

HOUSE JOINT RESOLUTION NO. 14

1/25 Introduced
1/25 Referred to State Administration
2/07 Hearing
2/08 Adverse Committee Report
2/09 Resolution Killed

HOUSE JOINT RESOLUTION NO. 14

INTRODUCED BY *Pistoris* *McLain* *McLain* *McLain*
J. Brown *Beckwith* *W. C. ...*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO PROHIBIT TELEVISION NETWORKS FROM BROADCASTING ELECTION RESULTS OR THE PROJECTION OF WINNERS IN NATIONAL ELECTIONS UNTIL ALL POLLING PLACES IN THE UNITED STATES ARE CLOSED.

WHEREAS, voter turnout in national general elections has declined consistently since 1960, falling from 62.8% of all eligible voters in 1960 to 51.9% in 1984; and

WHEREAS, in the November 1984 state elections, three Montana legislative races were decided by 16 votes or less, including two state legislative races won by as few as five votes; and

WHEREAS, the national television networks have established a practice of broadcasting an early projection of election results while the polls remain open and have been projecting winners for presidential elections since 1964; and

WHEREAS, election night projections disrupt the election process and may lead to an actual decline of 2% to 3% in the voter turnout; and

WHEREAS, several recent studies have found that the overall voter turnout may have declined by as much as 6% to 11% in 1980 as a result of the early projection of election winners; and

WHEREAS, an average of up to 25% of the persons who vote do so after 6 p.m.; and

WHEREAS, in 1980 and 1984, all the major television networks broadcasted a projection of the winner in the presidential election by 5:30 p.m. Pacific Standard Time; and

WHEREAS, NBC and ABC could have predicted election winners by noon on election day in 1980 through the use of exit-polling conducted by the networks; and

WHEREAS, due to the competition for network ratings and advertising dollars, it is apparent that the television networks will be competing in the future for the earliest possible projection of election winners, and as they do so, the network projections will have an increasingly stronger effect since they will reach voters at an earlier time; and

WHEREAS, the right to vote is a fundamental right that has received the protection of the courts, not only to assure that people be allowed to vote, but also that they be free to vote in an effective and unimpaired manner; and

WHEREAS, early network projections of election results have a negative impact upon voting and infringe upon the



1 right to vote by discouraging the exercise of that right and
 2 by denying the voters a meaningful choice in the selection
 3 of a candidate; and

4 WHEREAS, banning the broadcast of early election
 5 projections meets a compelling state interest warranting
 6 government restriction of freedom of the press in that the
 7 freedom to broadcast early projections impairs the right of
 8 the individual to vote, and thus does not deserve the great
 9 protection generally accorded freedom of the press; and

10 WHEREAS, in balancing the two interests between the
 11 right to vote and freedom of the press, it seems reasonable
 12 to protect the right to vote since to deny or even undermine
 13 this right poses a threat to our democratic society far
 14 greater than would legislation requiring television networks
 15 to delay the broadcast of election projections until all
 16 polls are closed; and

17 WHEREAS, when early projections of election results are
 18 broadcast, individual voters believe their vote no longer
 19 counts and do not vote for candidates in state and local
 20 elections, thus affecting the outcome of state legislative
 21 races, such as those in 1984 that were decided by as little
 22 as five votes out of thousands cast; and

23 WHEREAS, voluntary restraint on the part of the
 24 television networks failed to prevent the early projection
 25 of winners in the 1984 national elections.

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 2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 (1) That the Legislature urges the United States
 5 Congress to enact a bill amending the Communications Act of
 6 1934 to prohibit the broadcasting of election results or the
 7 projection of winners in an election until all polling
 8 places in the United States are closed.

9 (2) That the Secretary of State send copies of this
 10 resolution to the President of the United States and to each
 11 member of the United States Congress.

12 (3) That the Secretary of State send copies of this
 13 resolution to the presiding officers of the legislatures of
 14 the states of Idaho, Wyoming, North Dakota, South Dakota,
 15 Washington, Oregon, Utah, Colorado, Nevada, New Mexico,
 16 Arizona, California, Hawaii, and Alaska.

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