

HOUSE BILL 599

Introduced by Brooke, et al.

2/07	Introduced
2/08	Referred to State Administration
2/15	Hearing
	Died in Committee

1 *House* BILL NO. *599* *Connelly*
 2 INTRODUCED BY *Vincent Hagan*
 3 *Moore Spaulth* *Grady* *Vincent Hagan* *Addy* *Ream*
 4 A BILL FOR AN ACT ENTITLED: *AN ACT GENERALLY REVISING*
 5 PROVISIONS REGARDING CAMPAIGN PRACTICES EXPANDING
 6 PROVISIONS REGARDING FALSE PUBLICATION RELATING TO A
 7 CANDIDATE OR BALLOT ISSUE; APPLYING THE CODE OF FAIR
 8 CAMPAIGN PRACTICES TO OFFICERS OF POLITICAL COMMITTEES; AND
 9 AMENDING SECTIONS 13-35-234, 13-35-301, AND 13-35-302, MCA."

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

12 **Section 1.** Section 13-35-234, MCA, is amended to read:
 13 "13-35-234. ~~Political-criminal-libel---~~misrepresenting
 14 voting-records False publication relating to candidate or
 15 ballot issue -- penalty. (1) It is unlawful for any A person
 16 to--make-or-publish-any may not write, print, publish, post,
 17 communicate, or circulate a letter, circular, bill, placard,
 18 poster, photograph, or other publication or place in a
 19 publication or pay for an advertisement with knowledge or
 20 with reckless disregard that the letter, circular, bill,
 21 placard, poster, photograph, publication, or advertisement
 22 contains a false statement or charge reflecting--on--any
 23 candidate's---character---or---morality---or---to--knowingly
 24 misrepresent-the-voting-record-or-position-on-public--issues
 25 of---any---candidate relating to a candidate, political

1 committee, or ballot issue.

2 (2) A person making-such-a-statement-or--representation
 3 with--knowledge--of-its-falsity-or-with-a-reckless-disregard
 4 as-to-whether-it-is-true-or-not-is-guilty-of--a-misdemeanor
 5 who violates this section may be prosecuted as provided in
 6 13-37-124.

7 {2} In addition to-the-misdemeanor-penalty-of-subsection
 8 {1}, a successful candidate who is adjudicated guilty of
 9 violating this section may be deprived of the nomination or
 10 removed from office as provided in 13-35-106 and 13-35-107."

11 **Section 2.** Section 13-35-301, MCA, is amended to read:
 12 "13-35-301. Adoption of code of fair campaign
 13 practices. (1) The following code of fair campaign practices
 14 is adopted by Montana:

15 "There are basic principles of decency, honesty, and
 16 fair play that every candidate for public office and every
 17 officer of a political committee in the United States has a
 18 moral obligation to observe and uphold, in order that, after
 19 vigorously contested but fairly conducted campaigns, our
 20 citizens may exercise their constitutional right to a free
 21 and untrammled choice and the will of the people may be
 22 fully and clearly expressed on the issues before the
 23 country. Therefore:

24 I will conduct my campaign in the best American
 25 tradition, discussing the issues as I see them, presenting

1 my record and policies with sincerity and frankness, and
 2 criticizing without fear or favor the record and policies of
 3 my opponent and his party which merit such criticism.

4 I will defend and uphold the right of every qualified
 5 American voter to full and equal participation in the
 6 electoral process.

7 I will conduct my campaign without the use of personal
 8 vilification, character defamation, whispering campaigns,
 9 libel, slander, or scurrilous attacks on my opposition or
 10 his personal or family life.

11 I will not use campaign material of any sort which
 12 misrepresents, distorts, or otherwise falsifies the facts,
 13 nor will I use malicious or unfounded accusations which aim
 14 at creating or exploiting doubts, without justification, as
 15 to the loyalty and patriotism of my opposition.

16 I will not make any appeal to prejudice based on race,
 17 sex, creed, or national origin.

18 I will not undertake or condone any dishonest or
 19 unethical practice which tends to corrupt or undermine our
 20 American system of free elections or which hampers or
 21 prevents the full and free expression of the will of the
 22 voters.

23 Insofar as is possible, I will immediately and publicly
 24 repudiate support deriving from any individual or group
 25 which resorts, on behalf of my candidacy or in opposition to

1 that of my opponent, to the methods and tactics that I have
 2 pledged not to use or condone.

3 (2) A violation of this code by a candidate or officer
 4 of a political committee who endorses, subscribes to, and
 5 pledges to abide by the code as provided in 13-35-302 is
 6 grounds for filing an action under 13-35-234."

7 **Section 3.** Section 13-35-302, MCA, is amended to read:

8 "**13-35-302. Candidates and officers of political**
 9 **committees to be given opportunity to subscribe to campaign**
 10 **practices code ----publicity.** (1) The commissioner of
 11 campaign practices shall prepare a form which that contains
 12 the code of fair campaign practices provided for in
 13 13-35-301 and a place for a candidate or officer of a
 14 political committee to sign the form and to indicate that
 15 the candidate or--officer endorses, subscribes to, and
 16 pledges to abide by the code.

17 (2) Each candidate and officer of a political committee
 18 required to file statements or reports with the commissioner
 19 shall must be sent a copy of this form. Signing the form is
 20 voluntary, and a failure or refusal to sign is not a
 21 violation of the election laws. A form shall must be sent
 22 for each election as soon as feasible. The signed form shall
 23 must be returned to the commissioner.

24 (3) The commissioner shall supply the secretary of
 25 state, the county registrars, and the city and town clerks

1 with forms. Any candidate not required to file with the
2 commissioner but wishing to subscribe to the code may obtain
3 the form from the commissioner, the secretary of state, a
4 county registrar, or a city or town clerk and may sign the
5 form and deliver it to the commissioner."

6 NEW SECTION. **Section 4.** Extension of authority. Any
7 existing authority to make rules on the subject of the
8 provisions of [this act] is extended to the provisions of
9 [this act].

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