

SENATE BILL 336

Introduced by Thayer, et al.

2/03	Introduced
2/03	Referred to State Administration
2/09	Hearing
2/13	Committee Report--Bill Not Passed
2/13	Adverse Committee Report Adopted

1 *Steve* BILL NO. 336  
2 INTRODUCED BY *Stacy*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT APPLYING THE CODE OF  
5 FAIR CAMPAIGN PRACTICES TO OFFICERS OF POLITICAL COMMITTEES;  
6 PERMITTING THE COMMISSIONER OF POLITICAL PRACTICES TO ISSUE  
7 A CEASE AND DESIST ORDER OR SEEK A RESTRAINING ORDER OR  
8 INJUNCTION FOR VIOLATION OF THE CODE BY A CANDIDATE OR  
9 OFFICER OF A POLITICAL COMMITTEE WHO SUBSCRIBED TO THE CODE;  
10 PROVIDING A PENALTY FOR VIOLATING THE CEASE AND DESIST  
11 ORDER; AND AMENDING SECTION 13-35-301, MCA."

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

14 **Section 1.** Section 13-35-301, MCA, is amended to read:

15 "13-35-301. Adoption of code of fair campaign  
16 practices -- action by commissioner for violation of code --  
17 penalty. (1) The following code of fair campaign practices  
18 is adopted by Montana:

19 "There are basic principles of decency, honesty, and  
20 fair play that every candidate for public office and every  
21 officer of a political committee in the United States has a  
22 moral obligation to observe and uphold, in order that, after  
23 vigorously contested but fairly conducted campaigns, our  
24 citizens may exercise their constitutional right to a free  
25 and untrammelled choice and the will of the people may be

1 fully and clearly expressed on the issues before the  
2 country. Therefore:

3 I will conduct my campaign in the best American  
4 tradition, discussing the issues as I see them, presenting  
5 my record and policies with sincerity and frankness, and  
6 criticizing without fear or favor the record and policies of  
7 my opponent and his party which merit such criticism.

8 I will defend and uphold the right of every qualified  
9 American voter to full and equal participation in the  
10 electoral process.

11 I will conduct my campaign without the use of personal  
12 vilification, character defamation, whispering campaigns,  
13 libel, slander, or scurrilous attacks on my opposition or  
14 his personal or family life.

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

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

22 I will not undertake or condone any dishonest or  
23 unethical practice which tends to corrupt or undermine our  
24 American system of free elections or which hampers or  
25 prevents the full and free expression of the will of the

1 voters.

2 Insofar as is possible, I will immediately and publicly  
3 repudiate support deriving from any individual or group  
4 which resorts, on behalf of my candidacy or in opposition to  
5 that of my opponent, to the methods and tactics that I have  
6 pledged not to use or condone.

7 (2) A person may file a written complaint with the  
8 commissioner of political practices if he believes that a  
9 candidate or officer of a political committee who has  
10 endorsed, subscribed to, and pledged to abide by the code of  
11 fair campaign practices, as provided in 13-35-302, has  
12 violated the code.

13 (3) If upon investigating a complaint filed under  
14 subsection (2), the commissioner finds that the candidate or  
15 officer knowingly or with reckless disregard violated the  
16 code, the commissioner may:

17 (a) after providing reasonable notice to the candidate  
18 or officer of the finding and an opportunity for a hearing,  
19 issue an order directing the candidate or officer to cease  
20 and desist from continuing the act or practice found to be  
21 in violation of the code. The commissioner may issue a  
22 temporary order pending the hearing that remains in effect  
23 until 10 days after the hearing is held or that becomes  
24 final if the candidate or officer does not request a hearing  
25 within 15 days after receipt of the notice; or

1 (b) file an action in a court of competent  
2 jurisdiction to enjoin the act or practice found to be in  
3 violation of the code. Upon a proper showing, the court may  
4 grant a restraining order or injunction. If the  
5 commissioner prevails, he is entitled to reasonable attorney  
6 fees and court costs.

7 (4) A candidate or officer who violates a cease and  
8 desist order issued under subsection (3)(a) may be fined up  
9 to \$500."

10 NEW SECTION. Section 2. Extension of authority. Any  
11 existing authority to make rules on the subject of the  
12 provisions of [this act] is extended to the provisions of  
13 [this act].

-End-