HOUSE JOINT RESOLUTION 13

Introduced by Barnhart, et al.

2/08	Introduced
2/08	Referred to State Administration
2/08	First Reading
2/15	Hearing
2/17	Committee ReportBill Passed
2/19	2nd Reading Passed
2/22	3rd Reading Passed
	Transmitted to Senate
3/01	First Reading
3/01	Referred to State Administration
3/12	
3/12	Committee ReportBill Concurred as Amended
3/13	2nd Reading Concurred
3/15	3rd Reading Concurred
	Returned to House with Amendments
4/01	2nd Reading Amendments Concurred
4/02	3rd Reading Amendments Concurred
4/07	Signed by Speaker
4/13	Signed by President
4/20	Filed with Secretary of State

1 HOUSE JOINT RESOLUTION NO. 13
2 INTRODUCED BY Brunkout Molner Klaupel
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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING ESTABLISHMENT OF AN INTERIM COMMITTEE TO STUDY SQLUTIONS TO MISREPRESENTATIONS THAT OCCUR DURING POLITICAL CAMPAIGNS.

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WHEREAS, an increasing number of campaigns for election of state or local public officials include untrue statements concerning the record of the incumbent or other untrue statements concerning the candidates made by the candidates themselves or political action committees; and

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WHEREAS, the current deterrents to misrepresentations are primarily the candidate's signing of the code of fair campaign practices and the possible prosecution of a candidate for criminal libel; and

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WHEREAS, these deterrents are without meaningful effect because the signing of the code of fair campaign practices is voluntary and its violation carries no criminal penalty and because there are few prosecutions for criminal libel; and

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WHEREAS, the adoption of laws for the prior restraint of or penalty for factual misrepresentations in a political campaign must be done in a careful and thoughtful manner

Moncana Legislative Council

l because of the implications for the first amendment rights

2 of candidates.

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NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

6 That the Legislative Council establish an appropriate 7 interim committee to study various means of preventing or

8 controlling misrepresentations of fact in the course of

9 campaigns for the election of public officials.

BE IT FURTHER RESOLVED, that the study include an examination of the methods used by other states in controlling misrepresentations of fact that occur during

13 political campaigns.

14 BE IT FURTHER RESOLVED, that the study and
15 recommendations of the committee be mindful of the
16 protection afforded by the first amendment to the free
17 expression of opinions and of other aspects of first

18 amendment protections applicable during the course of a

19 political campaign.

20 BE IT FURTHER RESOLVED, that the Commissioner o

21 Political Practices be made a voting or nonvoting member of

22 the committee.

23 BE IT FURTHER RESOLVED, that the committee report its

24 findings, conclusions, and options for legislation to the

25 54th Legislature.

-End-

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HJR 13
INTRODUCED BILL

APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1 HOUSE JOINT RESOLUTION NO. 13
2 INTRODUCED BY BRUNOUT/Molner/Klauph

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING
ESTABLISHMENT OF AN INTERIM COMMITTEE TO STUDY SOLUTIONS TO
MISREPRESENTATIONS THAT OCCUR DURING POLITICAL CAMPAIGNS.

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WHEREAS, an increasing number of campaigns for election of state or local public officials include untrue statements concerning the record of the incumbent or other untrue statements concerning the candidates made by the candidates themselves or political action committees; and

WHEREAS, the current deterrents to misrepresentations are primarily the candidate's signing of the code of fair campaign practices and the possible prosecution of a candidate for criminal libel; and

WHEREAS, these deterrents are without meaningful effect because the signing of the code of fair campaign practices is voluntary and its violation carries no criminal penalty and because there are few prosecutions for criminal libel; and

WHEREAS, the adoption of laws for the prior restraint of or penalty for factual misrepresentations in a political campaign must be done in a careful and thoughtful manner

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of candidates.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

because of the implications for the first amendment rights

That the Legislative Council establish an appropriate interim committee to study various means of preventing or controlling misrepresentations of fact in the course of campaigns for the election of public officials.

BE IT FURTHER RESOLVED, that the study include an examination of the methods used by other states in controlling misrepresentations of fact that occur during political campaigns.

14 BE IT FURTHER RESOLVED, that the studv and recommendations of the committee be mindful of the 15 protection afforded by the first amendment to the free 16 expression of opinions and of other aspects of first 17 18 amendment protections applicable during the course of a 19 political campaign.

20 BE IT FURTHER RESOLVED, that the Commissioner of 21 Political Practices be made a voting or nonvoting member of 22 the committee.

BE IT FURTHER RESOLVED, that the committee report its findings, conclusions, and options for legislation to the 54th Legislature.

Montana Lagislative Council

-End-

SECOND READING

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INTRODUCED BY BRULANT Molne.	1 Kla	unel
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A JOINT RESOLUTION OF THE SENATE AND THE THE STATE OF MONTANA REQUESTING REPRESENTATIVES OF ESTABLISHMENT OF AN INTERIM COMMITTEE TO STUDY SOLUTIONS TO MISREPRESENTATIONS THAT OCCUR DURING POLITICAL CAMPAIGNS.

WHEREAS, an increasing number of campaigns for election of state or local public officials include untrue statements concerning the record of the incumbent or other untrue statements concerning the candidates made by the candidates themselves or political action committees; and

WHEREAS, the current deterrents to misrepresentations are primarily the candidate's signing of the code of fair campaign practices and the possible prosecution of a candidate for criminal libel; and

WHEREAS, these deterrents are without meaningful effect because the signing of the code of fair campaign practices is voluntary and its violation carries no criminal penalty and because there are few prosecutions for criminal libel; and

WHEREAS, the adoption of laws for the prior restraint of or penalty for factual misrepresentations in a political campaign must be done in a careful and thoughtful manner because of the implications for the first amendment rights of candidates.

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

That the Legislative Council establish an appropriate 6 interim committee to study various means of preventing or controlling misrepresentations of fact in the course of campaigns for the election of public officials. q

BE IT FURTHER RESOLVED, that the study include an examination of the methods used by other states in controlling misrepresentations of fact that occur during 12 political campaigns. 13

RESOLVED. study RE IT FURTHER that the committee be mindful of the recommendations of the protection afforded by the first amendment to the free expression of opinions and of other aspects of first amendment protections applicable during the course of a political campaign.

BE IT FURTHER RESOLVED, that the Commissioner 20 Political Practices be made a voting or nonvoting member of 21 22 the committee.

23 BE IT FURTHER RESOLVED, that the committee report its findings, conclusions, and options for legislation to the 24 54th Legislature. 25

-End-HJR 13 -2-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 12, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Joint Resolution No. 13 (first reading copy - blue), respectfully report that House Joint Resolution No. 13 be amended as follows and as so amended be concurred in.

Signed: Senator Eleanor Vaughn, Chair

That such amendments read:

1. Page 2, line 21. Strike: "voting or"

-END-

SENATE HJR 13

M- Amd. Coord.

Thi Sec. of Senate

Senator Carrying Bill

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1	HOUSE JOINT RESOLUTION NO. 13	1
2	INTRODUCED BY BARNHART, MOLNAR, KLAMPE	2
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4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF	4
5	REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING	5
6	ESTABLISHMENT OF AN INTERIM COMMITTEE TO STUDY SOLUTIONS TO	6
7	MISREPRESENTATIONS THAT OCCUR DURING POLITICAL CAMPAIGNS.	7
8		8
9	WHEREAS, an increasing number of campaigns for election	9
10	of state or local public officials include untrue statements	10
11	concerning the record of the incumbent or other untrue	11
12	statements concerning the candidates made by the candidates	12
13	themselves or political action committees; and	13
14	WHEREAS, the current deterrents to misrepresentations	14
15	are primarily the candidate's signing of the code of fair	15
16	campaign practices and the possible prosecution of a	16
17	candidate for criminal libel; and	17
18	WHEREAS, these deterrents are without meaningful effect	18
19	because the signing of the code of fair campaign practices	19
20	is voluntary and its violation carries no criminal penalty	20
21	and because there are few prosecutions for criminal libel;	21
22	and	22
23	WHEREAS, the adoption of laws for the prior restraint of	23
24	or penalty for factual misrepresentations in a political	24

campaign must be done in a careful and thoughtful manner

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because of the implications for the first amendment rights 2 of candidates. 3 4 6 7 10 11 12 13 14 15 16 17 18 19 20 21 Political Practices be made a voting-or nonvoting member of

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the committee.

54th Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the Legislative Council establish an appropriate interim committee to study various means of preventing or controlling misrepresentations of fact in the course of campaigns for the election of public officials. BE IT FURTHER RESOLVED, that the study include an examination of the methods used by other states in controlling misrepresentations of fact that occur during political campaigns. BE IT FURTHER RESOLVED, that the study recommendations of the committee be mindful of protection afforded by the first amendment to the free expression of opinions and of other aspects of first amendment protections applicable during the course of a political campaign.

-End-

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findings, conclusions, and options for legislation to the

BE IT FURTHER RESOLVED, that the Commissioner

BE IT FURTHER RESOLVED, that the committee report its

HJR 13