

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 Report--Bill 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	Hearing
3/12	Committee Report--Bill 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 B Baubert / Molner / Klump  
3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING  
6 ESTABLISHMENT OF AN INTERIM COMMITTEE TO STUDY SOLUTIONS TO  
7 MISREPRESENTATIONS THAT OCCUR DURING POLITICAL CAMPAIGNS.  
8

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

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

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

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

1 because of the implications for the first amendment rights  
2 of candidates.  
3

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
5 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.

10 BE IT FURTHER RESOLVED, that the study include an  
11 examination of the methods used by other states in  
12 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 of  
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-  
-2-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 *House* JOINT RESOLUTION NO. *13*  
2 INTRODUCED BY *B. Baulert / Molnar / Klump*  
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*HJR 13*  
SECOND READING

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HJR 13

THIRD READING



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  
Senator Eleanor Vaughn, Chair

That such amendments read:

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

-END-

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HJR 13  
REFERENCE BILL  
AS AMENDED