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Skiba

House BILL NO. 362

Wiseman

1 INTRODUCED BY *Forbes* **Wm E Boharski** *Denny*

2 *John* *Braunard* *Barnett* *Murdock* *M. J. Lee* *McKee*

3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE RESTRICTIONS ON THE USE OF PUBLIC
4 FUNDS, PUBLIC TIME, AND PUBLIC SUPPLIES AND EQUIPMENT TO SUPPORT OR OPPOSE ANY
5 POLITICAL COMMITTEE, THE NOMINATION OR ELECTION OF ANY PERSON TO PUBLIC OFFICE, OR THE
6 PASSAGE OR DEFEAT OF A BALLOT ISSUE; AND AMENDING SECTION 13-35-226, MCA."

7 *John* *St. Hovnan* *Almer* *Bokuniewicz* *John*

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 *Keenan* *Chris* *Knox* *Lee* *GRINDE* *Simkins*

10 *John* *Keenan* *Chris* *Knox* *Lee* *GRINDE* *Simkins*

11 Section 1. Section 13-35-226, MCA, is amended to read:

12 "13-35-226. Unlawful acts of employers and employees. (1) (a) It is unlawful for any employer,
13 in paying his employees the salary or wages due them, to include with their pay the name of any candidate
14 or any political mottoes, devices, or arguments containing threats or promises, ~~(express or implied),~~
15 calculated or intended to influence the political opinions or actions of the employees. It is unlawful for an
16 employer to exhibit in a place where his the employer's workers or employees may be working any handbill
17 or placard containing any threat, promise, notice, or information that:

18 (i) in case any particular ticket or political party, organization, or candidate is elected;

19 (A) work in his the employer's place or establishment will cease, in whole or in part, or will be
20 continued or increased;

21 (B) his the employer's place or establishment will be closed; or

22 (C) the salaries or wages of his the employer's workers or employees will be reduced or increased;

23 or

24 (ii) ~~other threats or promises (express or implied)~~ is intended or calculated to influence the political
25 opinions or actions of his the employer's workers or employees.

26 (b) This section ~~shall apply~~ applies to corporations, individuals, and public officers and employees.

27 (2) ~~No~~ A person may not attempt to coerce, command, or require a public employee to support or
28 oppose any political committee, the nomination or election of any person to public office, or the passage
29 of a ballot issue.

30 (3)(a) ~~No~~ A public officer or public employee may not solicit support for or opposition to any

1 political committee, the nomination or election of any person to public office, or the passage or defeat of
2 a ballot issue while on the job or at ~~his~~ the employee's place of employment. Subject to subsection (3)(b),
3 a public officer or public employee may not use public funds, public time, or public supplies or equipment
4 to support or oppose any political committee, the nomination or election of any person to public office, or
5 the passage or defeat of a ballot issue.

6 (b) Subsection (3)(a) does not prohibit an elected public official from issuing statements concerning
7 matters within the scope of the official's office. However, nothing in this ~~This section is intended to~~ does
8 not restrict the right of a public employee to express ~~his~~ personal political views.

9 (c) As used in this subsection (3), "public official" and "public employee" include officers and
10 employees of state and local government, including school districts and other special districts.

11 (4) ~~Any~~ A person who violates the provisions of this section shall be fined not to exceed \$1,000,
12 be imprisoned in the county jail for a term not to exceed 6 months, or both, for each separate offense."

13

-END-

HOUSE BILL NO. 362

INTRODUCED BY FORBES, BOHARSKI, DENNY, JORE, DEVANEY, BRAINARD, BARNETT, MURDOCK,
MCGEE, MCKEE, T. NELSON. M. HANSON, ANDERSON, BERGMAN, DEBRUYCKER, KASTEN, SOFT,
SIMON, S. HANSON, AHNER, BOHLINGER, SOMERVILLE, KEENAN, OHS, KNOX, GRINDE, SIMPKINS,
STANG, L. SMITH, KITZENBERG, WISEMAN, MOLNAR, SLITER, S. SMITH

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PASSAGE OR DEFEAT OF A BALLOT ISSUE; REQUIRING DISCLOSURE OF COSTS FOR ISSUING PUBLIC
STATEMENTS; AND AMENDING SECTION 13-35-226, MCA."

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

Section 1. Section 13-35-226, MCA, is amended to read:

"13-35-226. Unlawful acts of employers and employees. (1) (a) It is unlawful for any employer,
in paying his employees the salary or wages due them, to include with their pay the name of any candidate
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(A) work in ~~his~~ the employer's place or establishment will cease, in whole or in part, or will be
continued or increased;

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(ii) ~~other threats or promises (express or implied) is~~ intended or calculated to influence the political
opinions or actions of ~~his~~ the employer's workers or employees.

(b) This section ~~shall apply~~ applies to corporations, individuals, and public officers and employees.

1 (2) ~~No~~ A person may not attempt to coerce, command, or require a public employee to support or
2 oppose any political committee, the nomination or election of any person to public office, or the passage
3 of a ballot issue.

4 (3)(a) ~~No~~ A public officer or public employee may not solicit support for or opposition to any
5 political committee, the nomination or election of any person to public office, or the passage or defeat of
6 a ballot issue while on the job or at ~~his~~ the employee's place of employment. Subject to subsection (3)(b),
7 a public officer or public employee may not use public funds, public time, or public supplies or equipment
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9 the passage or defeat of a ballot issue.

10 (b) Subsection (3)(a) does not prohibit an elected public official from issuing PUBLIC statements
11 concerning matters within the scope of the official's office. HOWEVER, A DOCUMENT THAT IS PUBLISHED
12 PURSUANT TO THIS SUBSECTION (3)(B) AND THAT IS AIMED AT SUPPORTING OR OPPOSING A
13 POLITICAL COMMITTEE, A CANDIDATE, OR A BALLOT ISSUE MUST INCLUDE A WRITTEN STATEMENT
14 DISCLOSING THE COSTS INCURRED TO PRODUCE THE DOCUMENT. THE STATEMENT MUST MEET THE
15 SPECIFICATIONS DESCRIBED IN 18-7-306, AND THE COSTS MUST BE ESTIMATED BASED ON THE
16 FACTORS LISTED IN 18-7-307. DOCUMENTATION OF THE COST OF PUBLICATION MUST BE FILED WITH
17 THE COMMISSIONER OF POLITICAL PRACTICES. ~~However, nothing in this~~ This section is intended to does
18 not restrict the right of a public employee to express ~~his~~ personal political views.

19 (c) As used in this subsection (3), "public official" and "public employee" include officers and
20 employees of state and local government, including school districts and other special districts.

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