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Senate BILL NO. 327

INTRODUCED BY Doherty Vronkela Swillite
Jergeson

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ELECTIONEERING BY PHONE ON ELECTION DAY; AND PROVIDING A PENALTY FOR ELECTIONEERING BY PHONE ON ELECTION DAY."

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

NEW SECTION. Section 1. Electioneering by phone on election day -- penalty. (1) A person

commits the offense of electioneering by phone on election day if the person purposely or knowingly:

(a) contacts a voter in Montana by phone on election day with the purpose of aiding or promoting the success or defeat of any candidate or ballot issue to be voted upon at the election; or

(b) contracts with or employs another person, whether in Montana or another state, to contact a voter in Montana by phone on election day with the purpose of aiding or promoting the success or defeat of any candidate or ballot issue to be voted upon at the election. For purposes of this subsection (1)(b), the officers or directors of any entity that contracts or employs a person in violation of this section are guilty of a violation of this section and may be punished as provided in subsection (2)(b).

(2) (a) A person convicted of a violation of subsection (1)(a) shall be imprisoned in the county jail for a term not to exceed 6 months or be fined an amount not to exceed \$1,000, or both.

(b) A person convicted of a violation of subsection (1)(b) shall be imprisoned in the state prison for a term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 1].

-END-

1 SENATE BILL NO. 327

2 INTRODUCED BY DOHERTY, FRANKLIN, BARTLETT, JERGESON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF ELECTIONEERING BY PHONE ON
5 ELECTION DAY; AND PROVIDING A PENALTY FOR ELECTIONEERING BY PHONE ON ELECTION DAY."6
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9 NEW SECTION. **Section 1. Electioneering by phone on election day -- penalty.** (1) A person
10 commits the offense of electioneering by phone on election day if the person purposely or knowingly:11 (a) contacts a voter in Montana by phone on election day with the purpose of aiding or promoting
12 the success or defeat of any candidate or ballot issue to be voted upon at the election; or13 (b) contracts with or employs another person, whether in Montana or another state, to contact a
14 voter in Montana by phone on election day with the purpose of aiding or promoting the success or defeat
15 of any candidate or ballot issue to be voted upon at the election. For purposes of this subsection (1)(b),
16 the officers or directors of any entity that contracts or employs a person in violation of this section are
17 guilty of a violation of this section and may be punished as provided in subsection (2)(b).18 (2) (a) A person convicted of a violation of subsection (1)(a) shall be imprisoned in the county jail
19 for a term not to exceed 6 months or be fined an amount not to exceed \$1,000, or both.20 (b) A person convicted of a violation of subsection (1)(b) shall be imprisoned in the state prison
21 for a term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both.22 (3) LAWFUL EFFORTS ON ELECTION DAY TO ENCOURAGE CITIZENS TO GO TO THE POLLS AND
23 EXERCISE THEIR RIGHT TO VOTE DO NOT VIOLATE THIS SECTION AS LONG AS THE PERSON MAKING
24 A PHONE CALL DOES NOT ENCOURAGE THE SUCCESS OR DEFEAT OF ANY CANDIDATE OR BALLOT
25 ISSUE TO BE VOTED UPON AT THE ELECTION.26
27 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to
29 [section 1].

30 -END-