

SENATE BILL NO. 154

INTRODUCED BY S. SALES

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT TO IDENTIFY ON CERTAIN PRINTED ELECTION MATERIAL INFORMATION ABOUT A CANDIDATE'S VOTING RECORD TO CONFORM WITH A COURT RULING THAT THE REQUIREMENT IS UNCONSTITUTIONAL; AMENDING SECTION 13-35-225, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous -- statement of accuracy -- notice -- penalty.

(1) All election communications, electioneering communications, and independent expenditures must clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication. The attribution must contain:

(a) for election communications or electioneering communications financed by a candidate or a candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

(b) for election communications, electioneering communications, or independent expenditures financed by a political committee, the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer; and

(c) for election communications, electioneering communications, or independent expenditures financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief executive officer or equivalent, and the address of the principal place of business.

(2) Communications in a partisan election financed by a candidate or a political committee organized on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

~~(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include the following:~~

- ~~_____ (i) a reference to the particular vote or votes upon which the information is based;~~
- ~~_____ (ii) a disclosure of all votes made by the candidate on the same legislative bill or enactment; and~~
- ~~_____ (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the~~



1 ~~statements made about the other candidate's voting record are accurate and true.~~

2 ~~—— (b) The statement required under subsection (3)(a) must be signed:~~

3 ~~—— (i) by the candidate if the election material was prepared for the candidate and includes information about~~
4 ~~another candidate's voting record; or~~

5 ~~—— (ii) by the person financing the communication or the person's agent if the election material was not~~
6 ~~prepared for a candidate.~~

7 ~~(4)(3)~~ If a document or other article of advertising is too small for the requirements of subsections (1)
8 ~~through (3) and (2)~~ to be conveniently included, the candidate responsible for the material or the person financing
9 the communication shall file a copy of the article with the commissioner of political practices, together with the
10 required information or statement, at the time of its public distribution.

11 ~~(5)(4)~~ If information required in subsections (1) ~~through (3) and (2)~~ is omitted or not printed or if the
12 information required by subsection ~~(4) (3)~~ is not filed with the commissioner, upon discovery of or notification
13 about the omission, the candidate responsible for the material or the person financing the communication shall:

14 (a) file notification of the omission with the commissioner of political practices within 2 business days of
15 the discovery or notification;

16 (b) bring the material into compliance with subsections (1) ~~through (3) and (2)~~ or file the information
17 required by subsection ~~(4) (3)~~ with the commissioner; and

18 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

19 ~~(6)(5)~~ Whenever the commissioner receives a complaint alleging any violation of subsections (1) ~~through~~
20 ~~(3) and (2)~~, the commissioner shall as soon as practicable assess the merits of the complaint.

21 ~~(7)(6)~~ (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the
22 complainant and the candidate or political committee of the commissioner's determination. The notice must state
23 that the candidate or political committee shall bring the material into compliance as required under this section:

24 (i) within 2 business days after receiving the notification if the notification occurs more than 7 days prior
25 to an election; or

26 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an
27 election.

28 (b) When notifying the candidate or campaign committee under subsection ~~(7)(a) (6)(a)~~, the
29 commissioner shall include a statement that if the candidate or political committee fails to bring the material into
30 compliance as required under this section, the candidate or political committee is subject to a civil penalty

1 pursuant to 13-37-128."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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