

HOUSE BILL NO. 253

INTRODUCED BY HEDGES

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING INTERNET WEBSITES AS A FORM OF COMMUNICATION COVERED BY ELECTION LAW DISCLOSURE REQUIREMENTS; CLARIFYING THAT A CANDIDATE OR A CANDIDATE'S CAMPAIGN IS ALSO SUBJECT TO DISCLOSURE REQUIREMENTS; AND AMENDING SECTION 13-35-225, MCA."

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. (1) ~~Whenever a person makes an expenditure for the purpose of financing~~ All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising; ~~the communication~~ must clearly and conspicuously ~~state~~ include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication; including in When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and the address of the committee or the committee treasurer.

(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:

(i) A REFERENCE TO THE PARTICULAR VOTE OR VOTES UPON WHICH THE INFORMATION IS BASED;

(ii) A DISCLOSURE OF CONTRASTING VOTES KNOWN TO HAVE BEEN MADE BY THE CANDIDATE ON THE SAME ISSUE, IF CLOSELY RELATED IN TIME; AND

(iii) A STATEMENT, SIGNED AS PROVIDED IN SUBSECTION (3)(B) THAT TO THE BEST OF THE SIGNER'S KNOWLEDGE, THE STATEMENTS MADE ABOUT THE OTHER CANDIDATE'S VOTING RECORD ARE ACCURATE AND TRUE.

(B) THE STATEMENT DESCRIBED IN SUBSECTION (3)(A) MUST BE SIGNED:

(i) BY THE CANDIDATE IF THE ELECTION MATERIAL WAS PREPARED FOR THE CANDIDATE OR THE CANDIDATE'S POLITICAL COMMITTEE AND INCLUDES INFORMATION ABOUT ANOTHER CANDIDATE'S VOTING RECORD; OR

(ii) BY THE PERSON FINANCING THE COMMUNICATION OR THE PERSON'S LEGAL AGENT IF THE ELECTION MATERIAL WAS NOT PREPARED FOR A CANDIDATE OR A CANDIDATE'S POLITICAL COMMITTEE.

~~(2)(3)(4)~~ If a document or other article of advertising is too small for the requirements of ~~subsection~~ subsections (1) and (2) THROUGH (3) to be conveniently included, the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information, prior to its public distribution.

~~(3)(4)(5)~~ If information required in ~~subsection~~ subsections (1) and (2) THROUGH (3) is inadvertently omitted or not printed, upon ~~discovering~~ DISCOVERY OF OR NOTIFICATION ABOUT the omission, the CANDIDATE RESPONSIBLE FOR THE MATERIAL OR THE person financing the communication shall:

(A) file notification of the omission with the commissioner of political practices within 5 days and OF THE DISCOVERY OR NOTIFICATION;

(B) make every reasonable effort to bring the material into compliance with subsection subsections (1) and (2) THROUGH (3); AND

(C) WITHDRAW ANY NONCOMPLIANT COMMUNICATIONS FROM CIRCULATION AS SOON AS REASONABLY POSSIBLE."

~~NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. If [THIS ACT] AND HOUSE BILL NO. 468 ARE BOTH PASSED AND APPROVED, THEN [SECTION 1 OF THIS ACT], AMENDING 13-35-225, MUST READ AS FOLLOWS:~~

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

~~"13-35-225. Election materials not to be anonymous -- statement of accuracy -- prohibition. (1)(a)~~

~~Whenever a person makes an expenditure for the purpose of financing All communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising, the communication must clearly and conspicuously state include the attribution "paid for by" followed by the name and address of the person who made or financed the expenditure for the communication, including in When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In the case of a political committee, the attribution must be the name of the committee, the name of the committee treasurer, and~~

~~the address of the committee or the committee treasurer.~~

~~—— (b) 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.~~

~~—— (c) (i) Printed election material described in subsection (1)(a) that includes information about a ANOTHER candidate's voting record must include a reference to the particular vote or votes upon which the information is based and a statement, signed as provided in subsection (1)(c)(ii), that to the best of the signer's knowledge, the statements made about the OTHER candidate's voting record are accurate and true.~~

~~—— (ii) The statement must be signed:~~

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

~~—— (B) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.~~

~~—— (2) The state seal may not be used in any election material described in this section.~~

~~—— (2)(3)(2) If a document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included, the person financing the communication shall file a copy of the article with the commissioner of political practices, together with the required information, prior to its public distribution.~~

~~—— (3)(4)(3) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering discovery of or notification about the omission, the candidate responsible for the material or the person financing the communication shall:~~

~~—— (a) file notification of the omission with the commissioner of political practices within 5 days of the discovery or notification; and make every reasonable effort to~~

~~—— (b) bring the material into compliance with subsection (1) within 2 weeks; and~~

~~—— (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.""~~

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