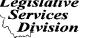
58th Legislature

| 1  | HOUSE BILL NO. 468   |
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| 2  | INTRODUCED BY GILLAN, BRANAE, COONEY, ELLINGSON, ERICKSON, FUCHS, GIBSON, MAHLUM,  |
| 3  | NELSON, SCHMIDT  |
| 4  |  |
| 5  | A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WHAT INFORMATION MUST BE INCLUDED WITH  |
| 6  | ELECTION MATERIALS; REQUIRING PRINTED ELECTION MATERIALS THAT HAVE INFORMATION ABOUT   |
| 7  | VOTING RECORDS TO INCLUDE SPECIFIC INFORMATION AND A SIGNED STATEMENT ATTESTING TO   |
| 8  | THE ACCURACY OF THE INFORMATION; PROHIBITING THE USE OF THE STATE SEAL ON ELECTION   |
| 9  | MATERIALS; AND AMENDING SECTION 13-35-225, MCA."   |
| 10 |  |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  |
| 12 |  |
| 13 | Section 1. Section 13-35-225, MCA, is amended to read:   |
| 14 | "13-35-225. Election materials not to be anonymous <u> statement of accuracy <del> prohibition</del>. (1)</u>                                |
| 15 | Whenever a person makes an expenditure for the purpose of financing <u>ALL</u> communications advocating the                                 |
| 16 | success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper,                              |
| 17 | magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general                           |
| 18 | political advertising, the communication must clearly and conspicuously state INCLUDE THE ATTRIBUTION "PAID FOR                              |
| 19 | $\underline{\text{BY}}^{"}$ FOLLOWED $\underline{\text{BY}}$ the name and address of the person who made or financed the expenditure for the |
| 20 | communication, including in. WHEN A CANDIDATE OR A CANDIDATE'S CAMPAIGN FINANCES THE EXPENDITURE, THE  |
| 21 | ATTRIBUTION MUST BE THE NAME AND THE ADDRESS OF THE CANDIDATE OR THE CANDIDATE'S CAMPAIGN. IN the case of                                    |
| 22 | a political committee, THE ATTRIBUTION MUST BE the name OF THE COMMITTEE, THE NAME OF THE COMMITTEE  |
| 23 | TREASURER, and THE address of the COMMITTEE OR THE COMMITTEE treasurer.  |
| 24 | (2) Communications in a partisan election financed by a candidate or a political committee organized   |
| 25 | on the candidate's behalf must state the candidate's party affiliation or include the party symbol.  |
| 26 | (2)(3) (a) Printed election material described in subsection (1) that includes information about <del>a</del> ANOTHER                        |
| 27 | candidate's voting record must include:  |
| 28 | (I) a REFERENCE TO THE PARTICULAR VOTE OR VOTES UPON WHICH THE INFORMATION IS BASED;   |
| 29 | (II) A DISCLOSURE OF CONTRASTING VOTES KNOWN TO HAVE BEEN MADE BY THE CANDIDATE ON THE SAME ISSUE.   |
| 30 | IF CLOSELY RELATED IN TIME; AND  |
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| 1  | (III) A statement, signed as provided in subsection <del>(2)(b)</del> (3)(B), that to the best of the signer's knowledge,                            |
|----|--|
| 2  | the statements made about the OTHER candidate's voting record are accurate and true.   |
| 3  | (b) The statement required under subsection (2)(a) (3)(A) must be signed:  |
| 4  | (i) by the candidate, if the election material was prepared for the candidate or the candidate's political   |
| 5  | committee and includes information about another candidate's voting record; or   |
| 6  | (ii) by the person financing the communication OR THE PERSON'S LEGAL AGENT, if the election material was   |
| 7  | not prepared for a candidate or a candidate's political committee.   |
| 8  | (3) The state seal may not be used in any election material described in subsection (1).   |
| 9  | (4) If a document or other article of advertising is too small for the requirements of subsection  |
| 10 | subsections (1) and (2) THROUGH (3) to be conveniently included, the candidate responsible for the material or                                       |
| 11 | the person financing the communication shall file a copy of the article with the commissioner of political   |
| 12 | practices, together with the required information or statement, prior to AT THE TIME OF its public distribution.                                     |
| 13 | (3)(5) If information required in <del>subsection</del> <u>subsections</u> (1) <u>and (2)</u> <u>тнкоидн (3)</u> is <del>inadvertently</del> omitted |
| 14 | or not printed, upon discovering discovery or notification about the omission, the candidate responsible for the                                     |
| 15 | material or the person financing the communication shall:  |
| 16 | (a) file notification of the omission with the commissioner within 5 days of the discovery or notification;  |
| 17 | and make every reasonable effort to  |
| 18 | (b) bring the material into compliance <del>with subsection (1) <u>within 2 weeks</u>; and</del>   |
| 19 | (c) withdraw any noncompliant communication from circulation as soon as reasonably possible."  |
| 20 | - END -  |

