

1 SENATE BILL NO. 328

2 INTRODUCED BY G. BRANAE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME AT WHICH A CANDIDATE FOR THE
5 LEGISLATURE, A POLITICAL COMMITTEE AFFILIATED WITH A CANDIDATE FOR THE LEGISLATURE, OR
6 AN INDEPENDENT POLITICAL COMMITTEE IS REQUIRED TO PROVIDE CAMPAIGN ADVERTISING
7 INFORMATION TO CERTAIN OTHER CANDIDATES WHO HAVE FILED FOR THE SAME OFFICE AND WHO
8 ARE INDIVIDUALLY IDENTIFIED OR MENTIONED IN THE ADVERTISING; PROVIDING A PENALTY FOR
9 FAILURE TO PROVIDE FAIR NOTICE; AND AMENDING SECTIONS 13-35-402 AND 13-35-403, MCA."

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

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13 **NEW SECTION. Section 1. Fair notice period before election for legislative candidates --**

14 **definition.** (1) A candidate for the legislature, a political committee that has filed a certification under 13-37-201
15 and is affiliated with a candidate for the legislature, and an independent political committee shall at the time
16 specified in subsection (3) of this section provide to candidates listed in subsection (2) of this section any final
17 copy of campaign advertising in print media, in printed material, or by broadcast media that is intended for public
18 distribution in the 30 days prior to an election unless:

19 (a) identical material was already published or broadcast; or

20 (b) the material does not identify or mention an opposing candidate.

21 (2) The material must be provided to all other candidates who have filed for nomination or election to the
22 legislature from the same legislative district and who are individually identified or mentioned in the advertising,
23 except candidates mentioned in the context of endorsements.

24 (3) Final copies of material described in subsection (1) must be provided to the candidates referred to
25 in subsection (2) at least 72 hours before the material is first disseminated regardless of the manner in which
26 dissemination occurs.

27 (4) The copy of the material that must be provided to the candidates referred to in subsection (2) must
28 be provided by electronic mail, facsimile transmission, or hand delivery, with a copy provided by direct mail if the
29 recipient does not have available either electronic mail or facsimile transmission. If the material is for broadcast
30 media, the copy provided must be a written transcript of the broadcast.

1 (5) For the purposes of this section, "independent political committee" means a committee that is not
 2 specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a
 3 candidate or a candidate's committee in conjunction with the making of expenditures or accepting contributions.

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5 **Section 2.** Section 13-35-402, MCA, is amended to read:

6 **"13-35-402. Fair notice period before election -- definition.** (1) ~~Except as provided in subsection~~
 7 ~~(6),~~ a candidate, a political committee that has filed a certification under 13-37-201, and an independent political
 8 committee shall at the time specified in subsection (3) of this section provide to candidates listed in subsection
 9 (2) of this section any final copy of campaign advertising in print media, in printed material, or by broadcast media
 10 that is intended for public distribution in the 10 days prior to an election unless:

11 (a) identical material was already published or broadcast; or

12 (b) the material does not identify or mention the opposing candidate.

13 (2) The material must be provided to all other candidates who have filed for the same office and who are
 14 individually identified or mentioned in the advertising, except candidates mentioned in the context of
 15 endorsements.

16 (3) Final copies of material described in subsection (1) must be provided to the candidates ~~listed~~ referred
 17 to in subsection (2) at the following times:

18 (a) at the time the material is published or broadcast or disseminated to the public;

19 (b) if the material is disseminated by direct mail, on the date of the postmark; or

20 (c) if the material is prepared and disseminated by hand, on the day the material is first being made
 21 available to the general public.

22 (4) The copy of the material that must be provided to the candidates ~~listed~~ referred to in subsection (2)
 23 must be provided by electronic mail, facsimile transmission, or hand delivery, with a copy provided by direct mail
 24 if the recipient does not have available either electronic mail or facsimile transmission. If the material is for
 25 broadcast media, the copy provided must be a written transcript of the broadcast.

26 (5) For the purposes of this section, ~~an~~ "independent political committee" ~~is~~ means a committee that is
 27 not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly
 28 by a candidate or a candidate's committee in conjunction with the making of expenditures or accepting
 29 contributions.

30 (6) This section does not apply to:

