



SENATE JUDICIARY  
COMMITTEE NO. 4  
DATE 2/22/13  
BILL NO. SB 320

MONTANA NEWSPAPER ASSOCIATION • MONTANA NEWSPAPER ADVERTISING SERVICE •  
MONTANA NEWSPAPER FOUNDATION

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## TESTIMONY IN OPPOSITION TO SB320

**Presented by John Barrows, Montana Newspaper Association  
February 22, 2013 – Senate Judiciary Committee  
Tel. 422-2850**

Chairman Murphy and Members:

My name is John Barrows, representing the Montana Newspaper Association, which includes Montana's 87 daily and weekly newspapers. We oppose SB320 as written because it inadvertently poses a potential obstacle to the free exercise of the First Amendment of the United States Constitution and Article II, Section 7, of the Montana State Constitution dealing with Freedom of Speech, Expression and Press.

Our principal concern is with page 3, line 8, which eliminates the exceptions to the definition of contribution for commentary or editorial distributed through the media, as provided for currently under 13-1-101, MCA, Section 7, Subsection b(ii).

Taking away this exemption (but still leaving a bona fide news story as exempted) would appear to conflict with both the First Amendment and the part of the Montana Constitution dealing with Freedom of Speech, Expression and Press.

Although it appears from the new section of this bill that this would apply only to corporations, yet it is not entirely clear that this might not be applied to individuals as well. In either case, the elimination of the exemptions for editorial and commentary are broad restrictions upon the free exercise of these rights.

It would appear that it might well have the unintended consequences of not only affecting actual contributors and recipients of donations, but of the media itself. Virtually all types of media, from newspapers to broadcast, are generally themselves corporate entities.

Under the proposed changes it would appear that the newspaper or radio station would have to determine, and file, the costs of each editorial it printed on a covered issue, or for commentary from itself, or from others. This could even be broadly interpreted as covering letters to editor, or guest editorials,

From its very definition, editorials and commentary are printed or broadcasted with out charge, but there is a very definite cost of production, including, in the case of media generated editorials or commentary, the cost of actually writing and producing them.

The exemptions are currently provided in 3-1-101 are there for the specific purpose of not violating the very foundational rights of Speech, Expression and Press, for the writer as well as for the media outlet.

Putting them under the definitions of political contributions, and the resulting restrictions and regulations, would appear to be ignoring the very rights that help guarantee our freedom as citizens.

I would ask that if this bill is passed, that an amendment be accepted that would restore the wording of the current law in page 3, lines 8-9.

John Barrows  
Montana Newspaper Association