

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS RELATED TO FAIR NOTICE
7 PROVISIONS; DEFINING "IDENTICAL MATERIAL"; AND AMENDING SECTION 13-35-402, MCA."

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

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11 **Section 1.** Section 13-35-402, MCA, is amended to read:

12 **"13-35-402. Fair notice period before election -- definition.** (1) A candidate, a political committee that
13 has filed a certification under 13-37-201, and an independent political committee shall at the time specified in
14 subsection (3) of this section provide to candidates listed in subsection (2) of this section any final copy of
15 campaign advertising in print media, in printed material, or by broadcast media that is intended for public
16 distribution in the 10 days prior to an election unless:

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

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

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

22 (3) Final copies of material described in subsection (1) must be provided to the candidates listed in
23 subsection (2) at the following times:

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

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

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

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

1 media, the copy provided must be a written transcript of the broadcast.

2 (5) For the purposes of this section;

3 (a) "identical material" means material that is substantially similar for the purpose of eliminating the
4 element of surprise; and

5 (b) an "independent political committee" is a committee that is not specifically organized on behalf of a
6 particular candidate or that is not controlled either directly or indirectly by a candidate or a candidate's committee
7 in conjunction with the making of expenditures or accepting contributions."

8 - END -