

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN LAWS FOR INDEPENDENT
5 CANDIDATES; REVISING THE TIME DURING WHICH AN INDEPENDENT CANDIDATE MAY NOT BE
6 ASSOCIATED WITH A POLITICAL PARTY PRIOR TO THE SUBMISSION OF A NOMINATION PETITION;
7 REVISING THE DEFINITION OF "ASSOCIATED WITH A POLITICAL PARTY"; REQUIRING AN INDEPENDENT
8 CANDIDATE TO STATE THE CANDIDATE'S PRIOR PARTISAN AFFILIATIONS AND LOBBYING ACTIVITY
9 IN ELECTION COMMUNICATIONS; AND AMENDING SECTIONS 13-10-507 AND 13-35-225, MCA."

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

12
13 **Section 1.** Section 13-10-507, MCA, is amended to read:

14 **"13-10-507. Independent candidates -- association with political parties not allowed.** (1) A person
15 seeking office as an independent candidate may not be associated with a political party for ~~4-year~~ 3 years prior
16 to the submission of the person's nomination petition.

17 (2) For the purposes of subsection (1), "associated with a political party" means:

18 (a) having run for office in Montana as a partisan candidate or having held a public office in Montana or
19 a precinct committee representative office in Montana with a political party designation; or

20 (b) having lobbied for a political party."

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22 **Section 2.** Section 13-35-225, MCA, is amended to read:

23 **"13-35-225. Election materials not to be anonymous -- statement of accuracy -- notice -- penalty.**

24 (1) All communications advocating the success or defeat of a candidate, political party, or ballot issue through
25 any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill,
26 bumper sticker, internet website, or other form of general political advertising must clearly and conspicuously
27 include the attribution "paid for by" followed by the name and address of the person who made or financed the
28 expenditure for the communication. The attribution must contain:

29 (a) for election material financed by a candidate or a candidate's campaign finances, the name and the
30 address of the candidate or the candidate's campaign; and



1 (b) for election material financed by a political committee, the name of the committee, the name of the
2 committee treasurer, and the address of the committee or the committee treasurer.

3 (2) (a) Communications in a partisan election financed by a candidate or a political committee organized
4 on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

5 (b) Communications in a partisan election financed by an independent candidate must state:

6 (i) any party affiliation the candidate has used in the previous 10 years when running for office in
7 Montana as a partisan candidate; and

8 (ii) any organization the candidate has lobbied for or acted as a licensed lobbyist on behalf of in the
9 previous 5 years.

10 (3) (a) Printed election material described in subsection (1) that includes information about another
11 candidate's voting record must include the following:

12 (i) a reference to the particular vote or votes upon which the information is based;

13 (ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if the
14 contrasting votes were made in any of the previous 6 years; and

15 (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the
16 statements made about the other candidate's voting record are accurate and true.

17 (b) The statement required under subsection (3)(a) must be signed:

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

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

22 (4) If a document or other article of advertising is too small for the requirements of subsections (1)
23 through (3) to be conveniently included, the candidate responsible for the material or the person financing the
24 communication shall file a copy of the article with the commissioner of political practices, together with the
25 required information or statement, at the time of its public distribution.

26 (5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or
27 notification about the omission, the candidate responsible for the material or the person financing the
28 communication shall:

29 (a) file notification of the omission with the commissioner of political practices within 5 days of the
30 discovery or notification;

- 1 (b) bring the material into compliance with subsections (1) through (3); and
- 2 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.
- 3 (6) Whenever the commissioner receives a complaint alleging a violation of subsection (1) or (2), the
- 4 commissioner shall as soon as practicable assess the merits of the complaint.
- 5 (7) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the
- 6 complainant and the candidate or political committee of the commissioner's determination. The notice must state
- 7 that the candidate or political committee shall bring the material into compliance as required under this section:
- 8 (i) within 5 days after receiving the notification if the notification occurs more than 7 days prior to an
- 9 election; or
- 10 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an
- 11 election.
- 12 (b) When notifying the candidate or campaign committee under subsection (7)(a), the commissioner shall
- 13 include a statement that if the candidate or political committee fails to bring the material into compliance as
- 14 required under this section, the candidate or political committee is subject to a civil penalty pursuant to
- 15 13-37-128."

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