

SENATE BILL NO. 13

INTRODUCED BY S. MALEK

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DISCLOSURE OF ALL VOTES ON A LEGISLATIVE BILL OR ENACTMENT IN CERTAIN PRINTED ELECTION MATERIAL; AND AMENDING SECTION 13-35-225, MCA."

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

**Section 1.** Section 13-35-225, MCA, is amended to read:

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

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

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

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

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

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

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

(ii) a disclosure of ~~contrasting~~ all votes ~~known to have been~~ made by the candidate on the same issue ~~if the contrasting votes were made in any of the previous 6 years~~ legislative bill or enactment; and

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



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

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

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

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

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

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

15 (b) bring the material into compliance with subsections (1) through (3); and

16 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

17 (6) Whenever the commissioner receives a complaint alleging a violation of subsection (1) or (2), the  
18 commissioner shall as soon as practicable assess the merits of the complaint.

19 (7) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the  
20 complainant and the candidate or political committee of the commissioner's determination. The notice must state  
21 that the candidate or political committee shall bring the material into compliance as required under this section:

22 (i) within 5 days after receiving the notification if the notification occurs more than 7 days prior to an  
23 election; or

24 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an  
25 election.

26 (b) When notifying the candidate or campaign committee under subsection (7)(a), the commissioner shall  
27 include a statement that if the candidate or political committee fails to bring the material into compliance as  
28 required under this section, the candidate or political committee is subject to a civil penalty pursuant to  
29 13-37-128."

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