

HOUSE BILL NO. 523  
INTRODUCED BY J. BALYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CLEAN CAMPAIGN ACT; REQUIRING CANDIDATES AND COMMITTEES SUPPORTING CANDIDATES OR BALLOT ISSUES TO PROVIDE CANDIDATES OR BALLOT ISSUE COMMITTEES IN PRIMARY AND GENERAL ELECTIONS WITH COPIES OF CERTAIN CAMPAIGN ADVERTISING OR COMMENTARY INTENDED TO BE DISTRIBUTED IN THE 10 DAYS PRIOR TO AN ELECTION; PROVIDING AN OPPORTUNITY FOR CANDIDATES OR BALLOT ISSUE COMMITTEES TO RESPOND; DIRECTING VARIOUS PRINT AND BROADCAST MEDIA TO PROVIDE ADVERTISING SPACE AT PREVAILING RATES FOR RESPONSE ADVERTISING; AND PROVIDING CIVIL PENALTIES FOR VIOLATIONS."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be referred to as the "Clean Campaign Act".

NEW SECTION. **Section 2. Fair comment period before election.** (1) A candidate, a political committee that has filed a certification under 13-37-201, and an independent political committee, as provided for in 13-37-216(2), shall provide to candidates or committees listed in subsection (2) any final copy of campaign advertising or commentary that is intended for public distribution in the 10 days prior to an election in print media or by broadcast media, unless substantially identical material already was published or broadcast.

(2) The material must be provided to:

(a) all other candidates who have filed for the same office or who are identified or mentioned in the advertising or commentary; or

(b) any committee representing a ballot issue identified or mentioned by the advertising or commentary, if the committee has filed a certification pursuant to 13-37-201.

NEW SECTION. **Section 3. Opportunity for response -- media obligation.** (1) The print media and the broadcast media shall provide to a requesting candidate or political committee that has filed a certification under 13-37-201 an opportunity to respond if the candidate or political committee that has filed a certification

under 13-37-201 requests an opportunity to counter new or modified advertising, commentary, or news that is published or broadcast within the 10 days prior to an election. The response opportunity must include the availability of response advertising paid at prevailing rates by either a candidate or a political committee that has filed a certification under 13-37-201.

(2) The response opportunity must be provided at the next practical publication or broadcast date requested by the candidate or a committee described in subsection (1).

NEW SECTION. **Section 4. Penalties.** A person who violates [section 2 or 3] is liable in a civil action pursuant to 13-37-124 and 13-37-125.

NEW SECTION. **Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [sections 1 through 4].

- END -