

1 HOUSE BILL NO. 129

2 INTRODUCED BY S. GIBSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN FINANCE AND DISCLOSURE LAWS;
5 REVISING WHEN PRINTED ELECTION MATERIAL MUST DISCLOSE CONTRASTING VOTES MADE BY A
6 CANDIDATE; REQUIRING THE TERM "THE SAME ISSUE" TO BE INTERPRETED BROADLY; REVISING THE
7 POLITICAL-CIVIL LIBEL LAW; AND AMENDING SECTIONS 13-35-225 AND 13-37-131, 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 13-35-225, MCA, is amended to read:
12 **"13-35-225. Election materials not to be anonymous -- statement of accuracy.** (1) All
13 communications advocating the success or defeat of a candidate, political party, or ballot issue through any
14 broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper
15 sticker, internet website, or other form of general political advertising must clearly and conspicuously include the
16 attribution "paid for by" followed by the name and address of the person who made or financed the expenditure
17 for the communication. When a candidate or a candidate's campaign finances the expenditure, the attribution
18 must be the name and the address of the candidate or the candidate's campaign. In the case of a political
19 committee, the attribution must be the name of the committee, the name of the committee treasurer, and the
20 address of the committee or the committee treasurer.

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

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

25 (i) a reference to the particular vote or votes upon which the information is based;
26 (ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue if
27 closely related in time the contrasting votes were made in any of the previous 5 years; and, The term "the same
28 issue" must be interpreted broadly.

29 (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the
30 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."
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18 **Section 2.** Section 13-37-131, MCA, is amended to read:

19 **"13-37-131. Misrepresentation of voting record ~~or political civil libel.~~** (1) It is unlawful for a person
20 to misrepresent a candidate's public voting record ~~or any other matter that is relevant to the issues of the~~
21 ~~campaign~~ with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion
22 is false.

23 (2) It is unlawful for a person to misrepresent to a candidate another candidate's public voting record ~~or~~
24 ~~any other matter that is relevant to the issues of the campaign~~ with knowledge that the assertion is false or with
25 a reckless disregard of whether or not the assertion is false.

26 (3) For the purposes of this section, the public voting record of a candidate who was previously a
27 member of the legislature includes a vote of that candidate recorded in committee minutes or in journals of the
28 senate or the house of representatives. Failure of a person to verify a public voting record is evidence of the
29 person's reckless disregard if the statement made by the person or the information provided to the candidate is
30 false.

1 (4) A person violating subsection (1) or (2) is liable in a civil action brought by the commissioner or
2 county attorney pursuant to 13-37-124 for an amount up to \$1,000. An action pursuant to this section is subject
3 to the provisions of 13-37-129 and 13-37-130."

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