

SENATE JOINT RESOLUTION NO. 21

INTRODUCED BY J. ELLIS

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON ELECTIONEERING.

WHEREAS, each state has some form of restriction on political activities near polling places on election days, but these restrictions vary; and

WHEREAS, section 13-35-211, MCA, prohibits electioneering on election day within a polling place, a building in which an election is being held, or within 100 feet of an entrance to the building in which the polling place is located; and

WHEREAS, the term "electioneering" is not explicitly defined in statute but has been defined in an interpretive rule by the Commissioner of Political Practices since 1977 at ARM 44.11.606, even though interpretive rules lack the force of law pursuant to section 2-4-102, MCA; and

WHEREAS, absentee in-person voting may occur on days other than election day at an election administrator's office pursuant to section 13-3-213(1)(b), MCA, and at late registration locations that are designated by an election administrator pursuant to section 13-2-304, MCA; and

WHEREAS, there are no prohibitions on electioneering where in-person voting occurs on days prior to election day; and

WHEREAS, private property may be located adjacent to polling places or other places where in-person voting is occurring; and

WHEREAS, a study of electioneering would allow a comprehensive evaluation of potential revisions to statutory law, including whether to extend uniform protections for voters where they are voting in-person even if the voting occurs prior to election day, how electioneering laws affect private property, and whether to explicitly define the extent of what constitutes electioneering in Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:



- 1 (1) review statutory law related to electioneering, including statutory law of other states;  
2 (2) examine how electioneering laws affect private property; and  
3 (3) determine whether to:  
4 (a) extend restrictions on political activities to places where in-person voting occurs prior to election day;  
5 and  
6 (b) revise current law related to electioneering, including providing a statutory definition.

7 BE IT FURTHER RESOLVED, that the study include input from appropriate stakeholders, including but  
8 not limited to election administrators, the commissioner of political practices, political parties, and the interested  
9 public.

10 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be  
11 presented to and reviewed by an appropriate committee designated by the Legislative Council.

12 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
13 requirements, be concluded prior to September 15, 2020.

14 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
15 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

16 - END -