

SENATE BILL NO. 123

INTRODUCED BY S. MALEK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT FAIR NOTICE OF CAMPAIGN ADVERTISING MATERIAL MENTIONING BALLOT ISSUES BE PROVIDED TO BALLOT ISSUE COMMITTEES; AND AMENDING SECTION 13-35-402, MCA."

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

Section 1. Section 13-35-402, MCA, is amended to read:

"13-35-402. Fair notice period before election. (1) A candidate or a political committee shall at the time specified in subsection (3) provide to candidates or ballot issue committees listed in subsection (2) any final copy of campaign advertising in print media, in printed material, on an internet website or other electronic communications network, or by broadcast media that is intended for public distribution in the 10 days prior to an election day unless:

- (a) identical material was already published or broadcast; or
(b) the material does not identify or mention the opposing candidate;
(c) the material does not identify or mention the ballot issue; or
(d) the material mentions the candidate or ballot issue in the context of an endorsement.

(2) (a) The material Material that mentions a candidate must be provided to all other candidates who have filed for the same office and who are individually identified or mentioned in the advertising, except candidates mentioned in the context of endorsements.

(b) Material that mentions a ballot issue must be provided to all ballot issue committees that are registered as political committees at the time the ballot issue is identified or mentioned in the advertising.

(3) Final copies of the material described in subsection (1) must be provided to the candidates listed in subsection (2) at the following times:

- (a) at by the time the material is published or broadcast or disseminated to the public; For
(b) if the material is disseminated by direct mail, on the final copies must be provided by the date of the postmark; or
(c) if the For material is prepared and disseminated by hand, on final copies must be provided by the day



1 the material is first being made available to the general public.

2 (4) ~~The copy of the~~ The material that must be provided to the candidates listed in subsection (2) must
3 be provided by electronic mail, facsimile transmission, or hand delivery, with a copy provided by direct mail if the
4 recipient does not have available either electronic mail or facsimile transmission. If the material is for broadcast
5 media, the copy provided must be a written transcript of the broadcast."

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