

SENATE BILL NO. 227

INTRODUCED BY J. ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ELECTIONEERING; EXPANDING AREAS WHERE ELECTIONEERING IS PROHIBITED; PROVIDING DEFINITIONS; AND AMENDING SECTION 13-35-211, MCA."

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

Section 1. Section 13-35-211, MCA, is amended to read:

"13-35-211. Electioneering -- soliciting information from electors. (1) A person may not do any electioneering:

(a) on election day;

(i) within any a polling place; or any

(ii) within a building in which a polling place is located; or in which an election is being held or

(iii) within 100 feet of any entrance to the a building in which the a polling place is located that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election;

(b) during days on which voting in an election is taking place:

(i) within a designated building; or

(ii) within 100 feet of an entrance to a designated building.

(2) On election day, a A candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter;

(a) on election day:

(i) within a polling place; or

(ii) within a building in which an election is being held or in which a polling place is located; or

(iii) within 100 feet of an entrance to the a building in which the a polling place is located;

(b) during days on which voting in an election is taking place:

(i) within a designated building; or

(ii) within 100 feet of an entrance to a designated building.

(3) A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge,



1 ~~button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or~~
 2 ~~ballot issue to be voted upon at the election.~~

3 ~~———(4)(3) A person within a polling place, a building in which a polling place is located, or any a designated~~
 4 ~~building in which an election is being held may not solicit from an elector, before or after the elector has marked~~
 5 ~~a ballot and returned it to an election judge or an election administrator, information as to whether the elector~~
 6 ~~intends to vote or has voted for or against a candidate or ballot issue.~~

7 (4) For the purposes of this section, the following definitions apply:

8 (a) "Designated building" means a building containing:

9 (i) an election administrator's office where absentee in-person voting may occur pursuant to
 10 13-3-213(1)(b); or

11 (ii) the location designated by the election administrator for late registration pursuant to 13-2-304.

12 (b) (i) "Electioneering" means:

13 (A) except as provided in subsection (4)(b)(ii), the buying, selling, giving, wearing, or display of:

14 (I) the name, likeness, or logo of a candidate to be voted on at the election;

15 (II) the number, title, subject, or logo of a ballot measure to be voted on at the election; or

16 (III) a badge, insignia, emblem, or other similar communicative device that aids or tends to promote the
 17 success or defeat of a candidate to be voted on at the election, a ballot measure to be voted on at the election,
 18 or a political party that is represented on the ballot; and

19 (B) the solicitation of support or opposition to a candidate or issue to be voted on at the election by
 20 means of personal persuasion or electronic amplification of the human voice.

21 (ii) The term does not mean an ordinary bumper sticker displayed on a vehicle.

22 (c) "Polling place" means a place designated as the location for voting as provided in 13-3-105."

23
 24 NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured,
 25 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

26 - END -