

1 SENATE BILL NO. 117  
2 INTRODUCED BY S. VANCE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CERTAIN FUNDS FROM BEING ACCEPTED OR  
5 USED FOR THE PURPOSE OF CONDUCTING AN ELECTION; ADDING A PENALTY; PROVIDING THAT A  
6 VIOLATION IS A FELONY; AND AMENDING SECTIONS 7-8-103 AND 17-3-1001, MCA."

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

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10 NEW SECTION. Section 1. Donations -- prohibition -- penalty. (1) The-Except as provided in  
11 subsections (2) through (4), the state, the secretary of state, a county, a municipality, or the officers or  
12 employees of those entities may not solicit, accept, use, or dispose of a donation in the form of money, grants,  
13 property, or personal services from an individual or a corporation, whether operating for-profit or nonprofit, for  
14 the purpose of funding the functions or responsibilities of the state, county, or municipality to conduct an  
15 election pursuant to the provisions of Title 13. All costs and expenses relating to conducting elections must be  
16 paid for with public funds.

17 (2) This section may not be construed to apply to the donation or use of a location for voting  
18 purposes, services that are provided without remuneration AT NO COST TO THE STATE, THE SECRETARY OF STATE, A  
19 COUNTY, A MUNICIPALITY, OR THE OFFICERS OR EMPLOYEES OF THOSE ENTITIES, or goods that have a nominal value  
20 of less than \$100.

21 (3) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT TRIBAL NATIONS FROM PROVIDING DONATED  
22 SPACE TO BE USED AS A POLLING LOCATION OR FOR THE SAME PURPOSES AS THE MAIN ELECTION OFFICE.

23 (4) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT TRIBAL NATIONS FROM USING THEIR OWN FUNDS,  
24 FUNDS FROM OTHER TRIBAL NATIONS, OR FUNDS FROM PUBLIC ENTITIES SUCH AS THE STATE OR FEDERAL GOVERNMENT  
25 FOR ELECTION PURPOSES.

26 (5) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A NONPROFIT ORGANIZATION OR A CORPORATION  
27 FROM SPENDING ITS OWN MONEY TO ITS OWN INITIATIVES RELATED TO AN ELECTION.

28 (3)(6) A person who purposefully or knowingly violates this section is guilty of a felony and shall be

1 punished by imprisonment for not less than 1 year or more than 10 years or by a fine of not more than \$50,000,  
2 or both.

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4 **Section 2.** Section 7-8-103, MCA, is amended to read:

5 **"7-8-103. Authorization for governmental and public entities to take property by gift or devise --**

6 **restriction.** (1) (a) All counties, all public hospitals and cemeteries, and other public institutions are hereby  
7 granted the power and authority to accept, receive, take, hold, and possess any gift, donation, grant, devise, or  
8 bequest of real or personal property and the right to own, hold, work, and improve the same.

9 (b) The provisions of subsection (2) and 7-8-104 are hereby made expressly applicable to gifts,  
10 donations, grants, devises, and bequests of real or personal property to officers and boards of the public  
11 corporations and institutions mentioned in subsection (1)(a).

12 (2) (a) Any city or town organized under the laws of Montana is hereby empowered and given the  
13 right:

14 (i) to accept, receive, take, hold, own, and possess any gift, donation, grant, devise, or bequest;  
15 any property (real, personal, or mixed); any improved or unimproved park or playground; any water, water right,  
16 water reservoir, or watershed; any timberland or reserve; or any fish or game reserve in any part of the state;

17 (ii) to own, hold, work, and improve the same.

18 (b) ~~Said~~The gifts, donations, grants, devises, or bequests made to any officer or board of any  
19 ~~such~~ city or town ~~shall~~ must be considered a gift, donation, grant, devise, or bequest made for the use and  
20 benefit of any ~~such~~ city or town and ~~shall~~ must be administered and used by and for ~~such~~ the city or town for  
21 the particular purpose for which ~~the same~~ it was given, donated, granted, devised, or bequeathed. In the event  
22 no particular purpose is mentioned in ~~such~~ the gift, donation, grant, devise, or bequest, then ~~the same~~ shall it  
23 must be used for the general support, maintenance, or improvement of any ~~such~~ city or town.

24 (3) A gift, donation, grant, devise, or bequest may not be accepted or used in contravention of  
25 [section 1]."

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27 **Section 3.** Section 17-3-1001, MCA, is amended to read:

28 **"17-3-1001. State institutions which may take by gift, bequest, or grant -- restriction.** (1) The