

1 HOUSE BILL NO. 341
2 INTRODUCED BY S. KERNS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE INFORMATION THAT MUST BE PROVIDED IN
5 THE "PAID FOR BY" ATTRIBUTION THAT IS REQUIRED TO BE INCLUDED WITH POLITICAL
6 ADVERTISING; AND AMENDING SECTION 13-35-225, MCA."

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

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10 **Section 1.** Section 13-35-225, MCA, is amended to read:

11 **"13-35-225. Election materials not to be anonymous -- notice -- penalty.** (1) All election
12 communications, electioneering communications, and independent expenditures must clearly and
13 conspicuously include the attribution "paid for by" followed by the name and address of the person who made
14 or financed the expenditure for the communication. The attribution must contain:

15 (a) for election communications or electioneering communications financed by a candidate or a
16 candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

17 (b) for election communications, electioneering communications, or independent expenditures
18 financed by a political committee or a joint fundraising committee, the name and address of the committee, ~~the~~
19 ~~name of the committee treasurer, deputy treasurer, secretary, vice chairperson, or chairperson, as designated~~
20 ~~pursuant to 13-37-201(2)(b), and the address of the committee or the named committee officer; and~~

21 (c) for election communications, electioneering communications, or independent expenditures
22 financed by a political committee that is a corporation or a union, the name of the corporation or union, ~~its chief~~
23 ~~executive officer or equivalent,~~ and the address of the principal place of business.

24 (2) Communications in a partisan election financed by a candidate, a political committee organized
25 on the candidate's behalf, or a joint fundraising committee with a participant who is a candidate or a political
26 committee organized on the candidate's behalf must state the candidate's party affiliation or include the party
27 symbol.

28 (3) If a document or other article of advertising is too small for the requirements of subsections (1)

1 and (2) to be conveniently included, the candidate responsible for the material or the person financing the
2 communication shall file a copy of the article with the commissioner of political practices, together with the
3 required information or statement, at the time of its public distribution.

4 (4) If information required in subsections (1) and (2) is omitted or not printed or if the information
5 required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the
6 omission, the candidate responsible for the material or the person financing the communication shall:

7 (a) file notification of the omission with the commissioner of political practices within 2 business
8 days of the discovery or notification;

9 (b) bring the material into compliance with subsections (1) and (2) or file the information required
10 by subsection (3) with the commissioner; and

11 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

12 (5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and
13 (2), the commissioner shall as soon as practicable assess the merits of the complaint.

14 (6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify
15 the complainant and the candidate or political committee of the commissioner's determination. The notice must
16 state that the candidate or political committee shall bring the material into compliance as required under this
17 section:

18 (i) within 2 business days after receiving the notification if the notification occurs more than 7 days
19 prior to an election; or

20 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an
21 election.

22 (b) When notifying the candidate or campaign committee under subsection (6)(a), the
23 commissioner shall include a statement that if the candidate, political committee, or joint fundraising committee
24 fails to bring the material into compliance as required under this section, the candidate, political committee, or
25 joint fundraising committee is subject to a civil penalty pursuant to 13-37-128."

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