

SENATE BILL NO. 225

INTRODUCED BY D. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DISTRIBUTION OF PRINTED COMMUNICATIONS THAT ADVOCATE THE SUCCESS OR DEFEAT OF BOTH PARTISAN AND NONPARTISAN CANDIDATES ON THE SAME PRINTED COMMUNICATION OR WITHIN THE SAME MAILER; PROVIDING A CIVIL PENALTY; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the Legislature recognizes the importance of preserving the nature and integrity of nonpartisan races, especially judicial races;

WHEREAS, placing nonpartisan and partisan candidates on the same political advertisements creates the impression of partisan affiliation for nonpartisan candidates;

WHEREAS, a printed political advertisement distributed in the mail or in person is more likely to be read by an individual who did not solicit it, and such political advertisements may cause confusion over whether a nonpartisan candidate is affiliated with a political party;

WHEREAS, this act would not prohibit an individual or entity from expressing views on candidates as long as the political advertisements are distributed or printed and mailed separately; and

WHEREAS, the intent of this act is not to restrict the right of the people to exercise their first amendment rights, but to minimize voter confusion.

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

NEW SECTION. Section 1. Prohibition on mixed partisan and nonpartisan election materials -- penalty. (1) Within 90 days before an election, a person may not distribute:

(a) a printed communication subject to the attribution requirements of 13-35-225(1) advocating the success or defeat of both a candidate in a partisan race and a candidate in a nonpartisan race; or

(b) an envelope or other mailer containing one or more printed communications subject to the attribution requirements of 13-35-225(1) advocating the success or defeat of both a candidate in a partisan race and a candidate in a nonpartisan race.

(2) This section may not be construed to prohibit a person from distributing separate, printed



1 communications advocating the success or defeat of a candidate in a partisan race and a candidate in a
2 nonpartisan race or, if mailed, sending the separate communications in separate envelopes.

3 (3) A person who intentionally or negligently violates this section is liable in a civil action brought by the
4 commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount
5 up to \$500 or three times the amount of the expenditures used for the unlawful distributions, whichever is greater.
6 A violation of this section is not subject to the misdemeanor penalties of 13-35-103.

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8 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 1].

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11 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2015.

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