

SENATE BILL NO. 117

INTRODUCED BY S. VANCE

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

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

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

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

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

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

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

~~(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.

3
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]."

26
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

1 state of Montana, units of the Montana university system, the Montana school for the deaf and blind, all
2 institutions in the department of corrections and the department of public health and human services, and any
3 institutions now created or established or which may be created or established and supported in whole or in
4 part by the state for any purpose may accept gifts, donations, grants, devises, or bequests of real or personal
5 property from any source. Gifts, donations, grants, bequests, or devises may be made directly to the state, in
6 the name of any of the institutions, to any officer or board of the institutions, or to any person in trust for the
7 institutions.

8 (2) In the event it is made directly to any institution or to any officer or board of any institution, the
9 gift, donation, grant, devise, or bequest is a gift, donation, grant, devise, or bequest to the state and must be
10 administered and used by the state for the particular purpose for which it was given, donated, granted,
11 bequeathed, or devised. In the event that a particular purpose is not mentioned in the gift, grant, devise, or
12 bequest, then it must be used for the general support, maintenance, or improvement of the institution by the
13 state.

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

16
17 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
18 integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 1].

19
20 NEW SECTION. SECTION 5. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
21 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
22 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
23 APPLICATIONS.

24 - END -