

1 HOUSE BILL NO. 412

2 INTRODUCED BY D. BEDEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE CODE OF ETHICS; EXPANDING
5 THE PROHIBITION ON THE USE OF PUBLIC RESOURCES FOR POLITICAL PURPOSES; EXPANDING
6 PORTIONS OF THE CODE OF ETHICS TO JUDICIAL OFFICERS; PROHIBITING THE USE OF THE GREAT
7 SEAL OR OFFICIAL STATE LETTERHEAD FOR CERTAIN COMMUNICATIONS; PROVIDING DEFINITIONS;
8 AMENDING SECTIONS 2-2-102, 2-2-103, 2-2-121, 2-2-136, AND 13-35-226, MCA."

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

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12 NEW SECTION. Section 1. Use of public resource for political purposes. (1) Except as provided
13 in subsection (2), a judicial officer, public officer, legislator, or public employee may not use or permit the use of
14 public time, facilities, equipment, state letterhead, supplies, personnel, or funds to solicit support for or
15 opposition to any political committee, the nomination or election of any person to public office, or the passage of
16 a ballot issue unless the use is:

17 (a) authorized by law; or

18 (b) properly incidental to another activity required or authorized by law, such as the function of a
19 judicial officer, public officer, legislator, or public employee in the normal course of duties.

20 (2) As used in subsection (1), "properly incidental to another activity required or authorized by law"
21 does not include any activities related to solicitation of support for or opposition to the nomination or election of
22 a person to public office or political committees organized to support or oppose a candidate or candidates for
23 public office. With respect to ballot issues, properly incidental activities are restricted to:

24 (a) the activities of a judicial officer, public officer, legislator, or public employee related to
25 determining the impact of passage or failure of a ballot issue on state or local government operations;

26 (b) in the case of a school district, as defined in Title 20, chapter 6, compliance with the
27 requirements of law governing public meetings of the local board of trustees, including the resulting
28 dissemination of information by a board of trustees or a school superintendent or a designated employee in a

1 intended to influence the political opinions or actions of the employees.

2 (2) It is unlawful for an employer to exhibit in a place where the employer's workers or employees
3 may be working any handbill or placard containing:

4 (a) any threat, promise, notice, or information that, in case any particular ticket or political party,
5 organization, or candidate is elected:

6 (i) work in the employer's place or establishment will cease, in whole or in part, or will be
7 continued or increased;

8 (ii) the employer's place or establishment will be closed; or

9 (iii) the salaries or wages of the workers or employees will be reduced or increased; or

10 (b) other threats or promises, express or implied, intended or calculated to influence the political
11 opinions or actions of the employer's workers or employees.

12 (3) A person may not coerce, command, or require a public employee to support or oppose any
13 political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

14 (4) A public employee may not solicit support for or opposition to any political committee, the
15 nomination or election of any person to public office, or the passage of a ballot issue while on the job or at the
16 place of employment. However, subject to 2-2-121 and [section 1], this section does not restrict the right of a
17 public employee to perform activities properly incidental to another activity required or authorized by law or to
18 express personal political views.

19 (5) A person who violates this section is liable in a civil action authorized by 13-37-128, brought by
20 the commissioner of political practices or a county attorney pursuant to 13-37-124 and 13-37-125."

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22 NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 2, chapter 2, part 1, and the provisions of Title 2, chapter 2, part 1, apply to [section 1].

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25 COORDINATION SECTION. Section 8. Coordination instruction. (1) If both House Bill No. 167 and
26 [this act] are passed and approved and if House Bill No. 167 contains a section that amends 2-2-121(3)(b) to
27 include a new subsection (3)(b)(ii), then the section in House Bill No. 167 amending 2-2-121 is void, and
28 [section 1] of this act is amended to include a new subsection (3) that must read as follows:

