

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 state, the secretary of state,
11 a county, a municipality, or the officers or employees of those entities may not ~~solicit~~, accept, use, or dispose of
12 a donation in the form of money, grants, property, or personal services from an individual or a corporation,
13 whether operating for-profit or nonprofit, for the purpose of funding the functions or responsibilities of the ~~state,~~
14 county, or municipality to conduct an election pursuant to the provisions of Title 13. All costs and expenses
15 relating to conducting elections must be paid for with public funds.

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

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

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

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

27 ~~(3)~~(6) A person who purposefully or knowingly violates this section is guilty of a felony and shall be
28 punished by imprisonment for not less than 1 year or more than 10 years or by a fine of not more than \$50,000,

1 or both.

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

4 **"7-8-103. Authorization for governmental and public entities to take property by gift or devise --**
5 **restriction.** (1) (a) All counties, all public hospitals and cemeteries, and other public institutions are hereby
6 granted the power and authority to accept, receive, take, hold, and possess any gift, donation, grant, devise, or
7 bequest of real or personal property and the right to own, hold, work, and improve the same.

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

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

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

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

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

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

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

27 **"17-3-1001. State institutions which may take by gift, bequest, or grant -- restriction.** (1) The
28 state of Montana, units of the Montana university system, the Montana school for the deaf and blind, all

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

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

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

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16 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
17 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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19 NEW SECTION. SECTION 5. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
20 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
21 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
22 APPLICATIONS.

23 - END -