

# COMMISSIONER OF POLITICAL PRACTICES



PRESS RELEASE

JEFFREY A. MANGAN  
COMMISSIONER  
TELEPHONE (406) 444-2942  
FAX (406) 444-1643

1209 EIGHTH AVENUE  
PO BOX 202401  
HELENA, MONTANA 59620-2401  
[www.politicalpractices.mt.gov](http://www.politicalpractices.mt.gov)

## STATE OF MONTANA

October 23, 2017

United States Court of Appeals for the Ninth Circuit – *Lair v. Motl*, No. 16-35424

The Ninth Circuit Court today upheld Montana’s campaign finance limits in a 2-1 decision reversing the District court decision in *Lair v. Motl*.

Montana has a long tradition of transparency and openness in campaign finance and political practice. Campaign finance limits as determined by Montanans for Montana campaigns won a major victory today. Montana’s Commissioner of Political Practices office extends its gratitude to the Montana Attorney General’s office and former Commissioner Motl & staff, for their diligent work in assuring the citizens of Montana have the ability to set reasonable campaign finance contribution limits while upholding our 1<sup>st</sup> Amendment rights.

From the Decision:

“Montana’s limits are closely drawn to further the state’s important interest in preventing actual or perceived quid pro quo corruption. Montana has shown the risk of quid pro quo corruption in Montana is not illusory. Its chosen contribution limits are narrowly focused; they do not prevent contributors from affiliating with the candidates of their choosing; and they do not prevent candidates from raising the money needed for effective campaigning, whether the candidate is an incumbent or challenger and whether the race is competitive or average. We hold, therefore, that Montana’s limits survive First Amendment scrutiny”

The Court concluded:

“Our Constitution permits contribution limits to serve the narrow but vital purpose of preventing actual or apparent quid pro quo corruption in politics. Because the limitations imposed by Montana Code Annotated § 13-37-216 both further that interest and are adequately tailored to it, they satisfy the First Amendment.  
REVERSED.”

What does this mean for Montana’s political campaign contribution limits? Effective today, our limits are set per “election” rather than cycle at the limits that were in place in early May, 2016 (see attached). For current local elections, candidates need to be aware of the \$170 limit from individuals and independent committees. Candidates who did not have a primary election in their municipality will not be required to return any contribution over \$170 received on or before October 22, 2017. Candidates are reminded, however, that the \$170 limit applies for all contributions received now through the election.

Campaign contribution limits for the 2018 Election cycle will be published in December 2017.

# STATE OF MONTANA POLITICAL CAMPAIGN CONTRIBUTION LIMITS SUMMARY – applicable to 2017 campaigns effective October 23, 2017

Updated October 23, 2017 Upon 9th Circuit Court Ruling

*This guide is just a summary - for complete requirements, see Title 13, Chapters 35 and 37, MCA.*

## CANDIDATE

To Own Campaign No Limit

## INDIVIDUAL *Human Being*

To a Political Party Committee No Limit

To a Political Action Committee No Limit

To a Ballot Issue Committee No Limit

To candidates for Governor/Lt. Governor \$660 per election

To a candidate for Other Statewide Office\* \$330 per election

To a candidate for Other Public Office\*\* \$170 per election

## POLITICAL COMMITTEE

To a Political Party Committee No Limit

To a Political Action Committee No Limit

To a Ballot Issue Committee No Limit

## POLITICAL ACTION COMMITTEE (*Contributions to candidates from Independent or Incidental Committees*)

To candidates for Governor/Lt. Governor \$660 per election

To a candidate for Other Statewide Office\* \$330 per election

To a candidate for Other Public Office\*\* \$170 per election

## Aggregate PAC Limits for Legislative Candidates for the 2016 elections

To a candidate for State Senate \$2,800

To a candidate for State House \$1,700

## POLITICAL PARTY COMMITTEE *Aggregate Limits from ALL political party committees*

*Please Note: Political Party Committees may not contribute to candidates for judicial offices, i.e. Supreme Court Justice, District Judge, Justice of the Peace. A political party committee may endorse a candidate for judicial office and make independent expenditure relating to such an election. See Sanders County Republican Party v. Bullock, 698 F3d 741 (9<sup>th</sup> Cir, 2012). See also personnel services exception ARM 44.11.225 (3)*

To candidates for Governor/Lt. Governor \$23,850 per election

To a candidate for Other Statewide Office\* \$8,600 per election

To a candidate for Public Service Comm. \$3,450 per election

To a candidate for State Senate \$1,400 per election

To a candidate for Other Public Office\*\* \$850 per election

*Excluding PSC and State Senate*

## CORPORATION OR UNION

May not contribute directly or indirectly to a candidate, § 13-35-227, MCA

### *\*Other Statewide Office*

*Attorney General, Secretary of State, State Auditor, Superintendent of Public Instruction, Supreme Court Justice, Clerk of the Supreme Court*

### *\*\* Examples of Other Public Office*

*State District—Public Service Commissioner, State Senate, State House, and District Judge County—All County elected Officials*

*City—All City elected officials School—*

*All School District Trustees*