

1 SENATE BILL NO. 183

2 INTRODUCED BY J. COBB

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CAMPAIGN FINANCE LAWS APPLICABLE TO
5 A CANDIDATE'S CONTRIBUTIONS TO THE CANDIDATE'S OWN CAMPAIGN; ALLOWING A CANDIDATE
6 TO ACCEPT CONTRIBUTIONS FROM ANY SOURCE UP TO THE AMOUNT THAT AN OPPONENT HAS
7 RECEIVED FROM THE OPPONENT'S OWN RESOURCES OF \$5,000 OR MORE; REQUIRING CAMPAIGN
8 FINANCE REPORTS WITHIN 48 HOURS OF ANY CONTRIBUTION OF \$100 OR MORE MADE BY A
9 CANDIDATE TO THE CANDIDATE'S OWN CAMPAIGN IF THE CANDIDATE HAS PREVIOUSLY GIVEN
10 \$5,000 OR MORE TO THE CANDIDATE'S OWN CAMPAIGN; AMENDING SECTIONS 13-37-216 AND
11 13-37-226, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

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15 **Section 1.** Section 13-37-216, MCA, is amended to read:

16 **"13-37-216. Limitations on contributions.** (1) (a) ~~Aggregate~~ Except as provided in this section,
17 aggregate contributions for each election in a campaign by a political committee or by an individual, other
18 than the candidate, to a candidate are limited as follows:

19 (i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed
20 \$400;

21 (ii) for a candidate to be elected for state office in a statewide election, other than the candidates
22 for governor and lieutenant governor, not to exceed \$200;

23 (iii) for a candidate for any other public office, not to exceed \$100.

24 (b) A contribution to a candidate includes contributions made to the candidate's committee and
25 to any political committee organized on the candidate's behalf.

26 (2) (a) A political committee that is not independent of the candidate is considered to be organized
27 on the candidate's behalf. For the purposes of this section, an independent committee means a committee
28 ~~which that~~ is not specifically organized on behalf of a particular candidate or ~~which that~~ is not controlled
29 either directly or indirectly by a candidate or candidate's committee and ~~which that~~ does not act jointly
30 with a candidate or candidate's committee in conjunction with the making of expenditures or accepting

1 contributions.

2 (b) A leadership political committee maintained by a political officeholder is considered to be
3 organized on the political officeholder's behalf.

4 (3) All political committees except those of political party organizations are subject to the
5 provisions of subsections (1) and (2). For purposes of this subsection, "political party organization" means
6 any political organization that was represented on the official ballot at the most recent gubernatorial
7 election. Political party organizations may form political committees that are subject, except as provided
8 in this section, to the following aggregate limitations from all political party committees:

9 (a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed
10 \$15,000;

11 (b) for a candidate to be elected for state office in a statewide election, other than the candidates
12 for governor and lieutenant governor, not to exceed \$5,000;

13 (c) for a candidate for public service commissioner, not to exceed \$2,000;

14 (d) for a candidate for the state senate, not to exceed \$800;

15 (e) for a candidate for any other public office, not to exceed \$500.

16 (4) If a candidate makes one or more contributions of a total of \$5,000 or more to the candidate's
17 own election campaign in the form of a loan, a contribution of money, or an in-kind contribution, an
18 opposing candidate may then contribute or allow contributions to the opposing candidate's own election
19 campaign of the same amount of cash or in-kind contributions contributed by the first candidate and may
20 make or allow those contributions in any form and from any source without regard to the limits imposed
21 by this section.

22 ~~(4)(5)~~ A Except as provided in this section, a candidate may not accept any contributions in
23 excess of the limits in this section.

24 ~~(5)(6)~~ For purposes of this section, "election" means the general election or a primary election that
25 involves two or more candidates for the same nomination. If there is not a contested primary, there is only
26 one election to which the contribution limits apply. If there is a contested primary, then there are two
27 elections to which the contribution limits apply."

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29 **Section 2.** Section 13-37-226, MCA, is amended to read:

30 **"13-37-226. Time for filing reports.** (1) Candidates for a state office filled by a statewide vote of

1 all the electors of Montana and political committees that are organized to support or oppose a particular
2 statewide candidate shall file reports:

3 (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter
4 in which funds are received or expended during the year or years prior to the election year that the
5 candidate expects to be on the ballot;

6 (b) on the 10th day of March and September in each year that an election is to be held and on the
7 15th and 5th days preceding the date on which an election is held and within 24 hours after receiving a
8 contribution of \$500 or more if received between the 10th day before the election and the day of the
9 election;

10 (c) not more than 20 days after the date of the election; and

11 (d) on the 10th day of March and September of each year following an election until the candidate
12 or political committee files a closing report as specified in 13-37-228(3).

13 (2) Political committees organized to support or oppose a particular statewide ballot issue shall
14 file reports:

15 (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter
16 in which funds are received or expended during the year or years prior to the election year that an issue
17 subject to a referendum is or is expected to be on the ballot;

18 (b) on the 10th day of March and on the 10th day of each subsequent month through September;

19 (c) on the 15th and 5th days preceding the date on which an election is held;

20 (d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th
21 day before the election and the day of the election;

22 (e) within 20 days after the election; and

23 (f) on the 10th day of March and September of each year following an election until the political
24 committee files a closing report as specified in 13-37-228(3).

25 (3) Candidates for a state district office, including but not limited to candidates for the legislature,
26 the public service commission, or a district court judge, and political committees that are specifically
27 organized to support or oppose a particular state district candidate or issue shall file reports:

28 (a) on the 12th day preceding the date on which an election is held and within 48 hours after
29 receiving a contribution of \$100 or more if received between the 17th day before the election and the day
30 of the election. The report under this subsection (3)(a) may be made by mail or by electronic

1 communication to the clerk and recorder and the commissioner ~~of political practices.~~

2 (b) not more than 20 days after the date of the election; and

3 (c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

4 (4) Candidates for any other public office and political committees that are specifically organized
5 to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total
6 amount of contributions received or the total amount of funds expended for all elections in a campaign,
7 excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

8 (5) For the purposes of this subsection, a committee that is not specifically organized to support
9 or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures
10 in conjunction with an election is an independent committee. For the purpose of reporting, a political party
11 committee is an independent committee. An independent committee shall file:

12 (a) a report on the 12th day preceding the date of an election in which it participates by making
13 an expenditure;

14 (b) a report not more than 20 days after the date of the election in which it participates by making
15 an expenditure; and

16 (c) a report on a date to be prescribed by the commissioner for a closing report at the close of
17 each calendar year.

18 (6) A candidate specified in subsection (1) or (3) who makes one or more contributions of a total
19 of \$5,000 or more to the candidate's own election campaign in the form of a loan, a contribution of
20 money, or an in-kind contribution shall report any additional contribution of \$100 or more from the
21 candidate within 48 hours after receiving the contribution. The report must be made by mail or by
22 electronic communication to the election administrator and the commissioner.

23 ~~(6)(7)~~ The commissioner may promulgate rules regarding the extent to which organizations that
24 are not primary political committees but are incidental political committees shall report their politically
25 related activities in accordance with this chapter.

26 ~~(7)(8)~~ All reports required by this section must be complete as of the fifth day before the date of
27 filing as specified in 13-37-228(2) and this section."

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29 NEW SECTION. Section 3. Applicability. [This act] applies to election campaigns occurring after
30 October 1, 2001.

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