

SB 390

SB 396

**Structure of Defined Terms
Under Rules by Commissioner of Political Practices**

EXHIBIT 5
DATE 4-1-05
SB 396

Three types of political committees:

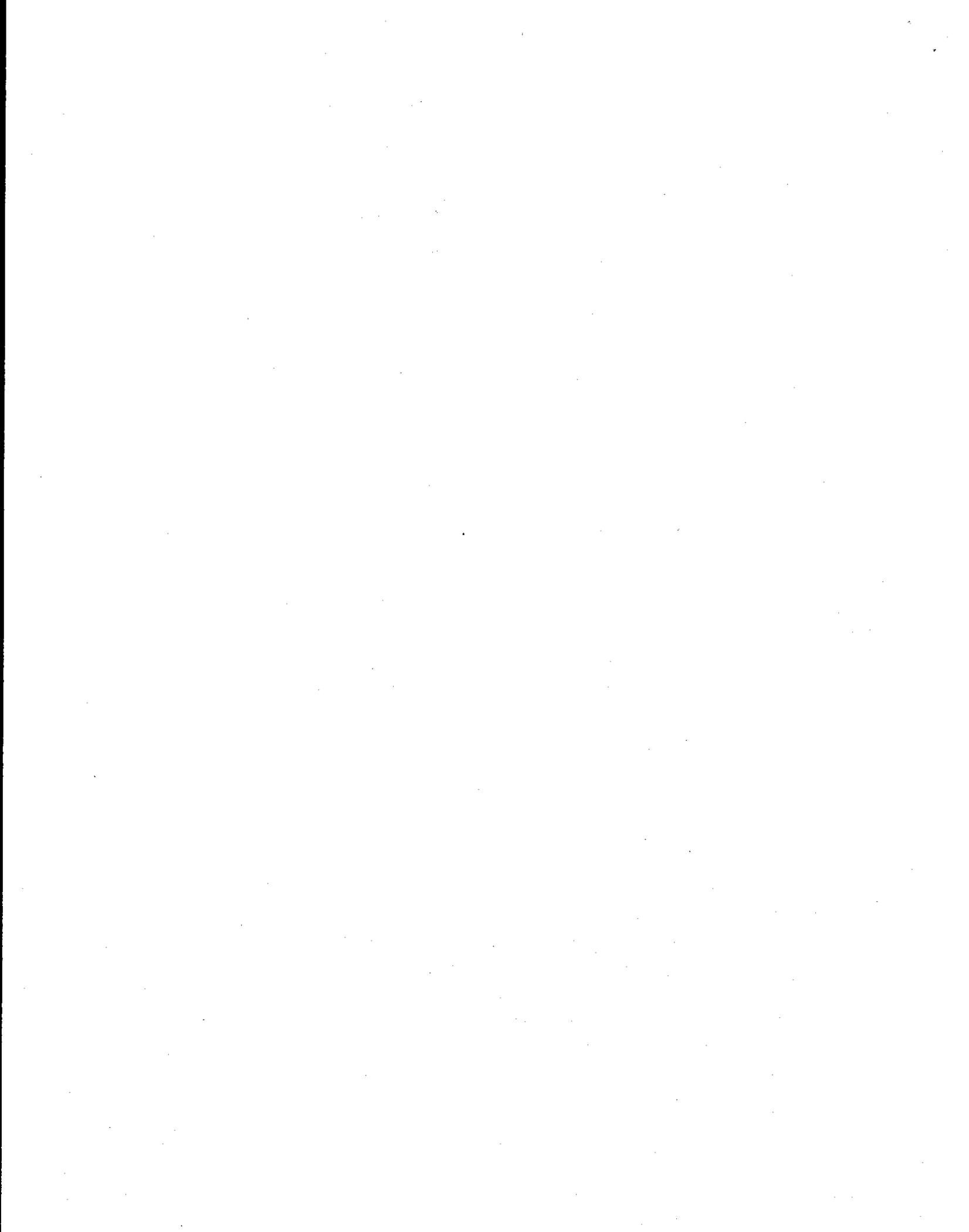
A. Principal Campaign Committee

- Ballot issue committee
- Particular candidate committee
- Leadership political committee

B. Independent Committee

- Political Action Committee (PAC)
- Political Party Committee

C. Incidental Committee



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(3) The fact that the public office being sought by the individual is not known by the contributor or has not yet been determined by the potential candidate at the time that the contribution is made or the fact that a candidate and/or issue being supported or opposed by a political committee is not known by the contributor or has not yet been determined by a political committee at the time that the contribution is made has no effect on the determination or reporting of that contribution. (History: Sec. 13-37-114, MCA; IMP, Sec. 13-1-101(3), MCA; NEW, Eff. 1/1/76; AMD, Eff. 5/7/76; AMD, 1979 MAR p. 652, Eff. 7/1/79; AMD, 1999 MAR p. 2287, Eff. 10/8/99; AMD, 2001 MAR p. 2049, Eff. 10/12/01.)

Rule 22 reserved

44.10.323 EXPENDITURE - DEFINITION (1) For the purposes of Title 13, chapters 35 and 37, MCA, and these rules, the term "expenditure" as defined in 13-1-101, MCA, includes, but is not limited to:

- (a) Each expenditure as listed in 13-37-230, MCA;
 - (b) Expenses incurred by a candidate or political committee with respect to polls, surveys, and the solicitation of funds;
 - (c) Expenses incurred in support of or opposition to the drafting, printing, distribution and collection of signatures for any petition for nomination or a statewide ballot issue;
 - (d) A candidate's own expense, except as provided in 13-1-101(6)(b)(iv) and (10)(b)(ii), MCA;
 - (e) Payment of interest on a loan or other credit received;
 - (f) An in-kind expenditure, as defined in (2) of this rule.
- (2) The term "in-kind expenditure" means the furnishing of services, property, or rights without charge or at a charge which is less than fair market value to a person, candidate, or political committee for the purpose of supporting or opposing any person, candidate, ballot issue or political committee, except as provided in 13-1-101(6)(a)(iii) and (6)(b)(i), MCA.
- (a) An "in-kind expenditure" includes, but is not limited to, the forgiveness of any loan or debt owed to a candidate or political committee.

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(3) "Independent expenditure" means an expenditure for communications expressly advocating the success or defeat of a candidate or ballot issue which is not made with the cooperation or prior consent of or in consultation with, or at the request or suggestion of, a candidate or political committee or an agent of a candidate or political committee. An independent expenditure shall be reported as provided in [ARM 44.10.531](#).

(4) "Coordinated expenditure" means an expenditure made in cooperation with, consultation with, at the request or suggestion of, or the prior consent of a candidate or political committee or an agent of a candidate or political committee. A coordinated expenditure shall be reported as an in-kind contribution as provided in [ARM 44.10.511](#) and [44.10.513](#). (History: [Sec. 13-37-114](#), MCA; [IMP](#), [Sec. 13-1-101\(7\)](#), MCA; [NEW](#), Eff. 1/1/76; [AMD](#), Eff. 5/7/76; [AMD](#), 1977 MAR p. 1240, Eff. 12/25/77; [AMD](#), 1979 MAR p. 652, Eff. 7/1/79; [AMD](#), 1986 MAR p. 128, Eff. 1/31/86; [AMD](#), 1999 MAR p. 2287, Eff. 10/8/99.)

Rule 24 reserved

[44.10.325](#) POLITICAL COMMITTEE - DEFINITION

(1) "Political committee" is defined in [13-1-101\(18\)](#), MCA.

(2) A candidate and his or her campaign treasurer do not constitute a political committee. The campaign treasurer, while performing the statutory duties of a campaign treasurer, is the agent of the candidate.

(3) If a political committee has subdivisions within the state, such as county committees, which have authority to receive contributions and make expenditures independent of the parent political committee, each subdivision is considered a separate political committee for purposes of Title 13, chapters 35 and 37, MCA, and these rules. (History: [Sec. 13-37-114](#), MCA; [IMP](#), [Sec. 13-1-101\(12\)](#), MCA; [NEW](#), Eff. 1/1/76; [AMD](#), Eff. 5/7/76; [AMD](#), 1977 MAR p. 1240, Eff. 12/25/77; [AMD](#), 1979 MAR p. 652, Eff. 7/1/79; [AMD](#), 2001 MAR p. 2049, Eff. 10/12/01.)

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COMMISSIONER OF POLITICAL PRACTICES

[44.10.327](#)

Rule 26 reserved

44.10.327 POLITICAL COMMITTEE, TYPES (1) For purposes of Title 13, chapters 35 and 37, MCA, and these rules, political committees shall be of three types:

- (a) principal campaign committee;
- (b) independent committee; and
- (c) incidental committee.

(2) These types of political committees are defined as follows:

(a) A principal campaign committee is a political committee that is specifically organized to support or oppose a particular candidate or issue. There are three types of principal campaign committees.

(i) A ballot issue committee is specifically organized to support or oppose a ballot issue, as defined in 13-1-101, MCA.

(ii) A particular candidate committee is specifically organized to support or oppose a particular candidate. A particular candidate committee is not the same as a candidate's own campaign organization which, according to ARM 44.10.325(2) is not a political committee.

(iii) A leadership political committee is defined in ARM 44.10.332(1).

(b) An independent committee is a political committee that is not specifically organized to support or oppose any particular candidate or issue but one that is organized for the primary purpose of supporting or opposing various candidates and/or issues. There are two types of independent committees:

(i) A political action committee ("PAC") is a committee composed of individuals who contribute their money for the purpose of supporting or opposing candidates or issues upon which the committee agrees.

(ii) A political party committee is a committee formed by a political party organization, as that term is defined in 13-37-216, MCA. Examples of political party committees are listed in ARM 44.10.333(1).

(c) An incidental committee is a political committee that is not specifically organized or maintained for the primary purpose of influencing elections but that may incidentally become a political committee by making a contribution or expenditure to support or oppose a candidate and/or issue.

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(3) "Primary purpose" shall be determined based upon such criteria as allocation of budget, staff or members' activity, and the statement of purpose or goals of the individuals or person. (History:

Sec. 13-37-114, MCA; IMP, Sec. 13-1-101(12), 13-37-226(4) and (5), MCA; NEW, Eff. 1/1/76; AMD, 1979 MAR p. 652, Eff. 7/1/79; AMD, 1997 MAR p. 1828, Eff. 10/7/97; AMD, 2001 MAR p. 2049, Eff. 10/12/01.)

Rule 28 reserved

44.10.329 POLITICAL COMMITTEE, CLASSIFICATION (1) The commissioner shall classify a political committee upon the basis of information provided on the statement of organization which is set forth in ARM 44.10.405 and which is required to be filed by a political committee pursuant to 13-37-201, MCA. The commissioner shall notify, in writing, a political committee of its classification.

(2) The political committee shall be classified as one of the types of political committee specified in ARM 44.10.327.

(3) The commissioner may, in writing, reclassify a political committee if the status of that committee should change pursuant to ARM 44.10.403(2), or pursuant to (5) of this rule.

(4) If the commissioner, based upon the information provided on the statement of organization, is unable to classify a political committee, additional information may be requested by the commissioner. If additional information is requested, a political committee shall provide the requested information within 10 days after its receipt of the request. Saturdays, Sundays, and holidays shall be excluded in the calculation of the 10-day period.

(5) A political committee, after it has received notice of its classification, may supply additional information and request to be reclassified. (History: Sec. 13-37-114, MCA; IMP, Sec. 13-37-226(4) and (5), MCA; NEW, Eff. 1/1/76; AMD, 2001 MAR p. 2049, Eff. 10/12/01.)

44.10.330 DESIGNATION OF CONTRIBUTIONS FOR PRIMARY AND GENERAL ELECTIONS (1) Aggregate contributions for each election in a campaign are limited according to 13-37-216, MCA. An "election" in a campaign, for the purposes of 13-37-216, MCA, is defined as either a primary election or a general election.