

HOUSE BILL NO. 229

INTRODUCED BY S. REICHNER

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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS TO A CANDIDATE BY AN INDIVIDUAL OTHER THAN THE CANDIDATE; ENABLING CAMPAIGN CERTAIN UNLIMITED POLITICAL PARTY CONTRIBUTIONS FROM CORPORATIONS; ELIMINATING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS TO A CANDIDATE BY A RECEIPTS FROM POLITICAL COMMITTEE COMMITTEES; AMENDING ~~SECTIONS 13-37-128 AND~~ SECTION 13-37-216, MCA; AND REPEALING ~~SECTIONS 13-35-227 AND~~ SECTION 13-37-218, MCA."

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

~~Section 1.~~ Section 13-37-128, MCA, is amended to read:

~~"13-37-128. Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.~~

~~(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater."~~

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

**"13-37-216. Limitations on contributions -- adjustment.** (1) (a) ~~Subject to adjustment as provided for in subsection (4), aggregate~~ Aggregate contributions for each election in a campaign by ~~a political committee or~~ by A POLITICAL COMMITTEE OR BY an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed ~~\$500~~ \$2,500;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for



1 governor and lieutenant governor, not to exceed ~~\$250~~ \$1,000;

2 (iii) for a candidate for any other public office, not to exceed ~~\$130~~ \$500.

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

5 ~~————(2) (a)(2) (A)~~ A political committee that is not independent of the candidate is considered to be organized  
6 on the candidate's behalf. For the purposes of this section, an independent committee means a committee that  
7 is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly  
8 by a candidate or candidate's committee and that does not act jointly with a candidate or candidate's committee  
9 in conjunction with the making of expenditures or accepting contributions.

10 ~~————(b)~~ A leadership political committee maintained by a political officeholder is considered to be organized  
11 on the political officeholder's behalf.

12 ~~————(3)~~ All political committees except those of political party organizations are subject to the provisions of  
13 subsections (1) and (2). For purposes of this subsection, "political party organization" means any political  
14 organization that was represented on the official ballot at the most recent gubernatorial election. Political party  
15 organizations may form political committees that are subject to the following aggregate limitations, adjusted as  
16 provided for in subsection (4), from all political party committees:

17 ~~————(a)~~ for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$18,000;

18 ~~————(b)~~ for a candidate to be elected for state office in a statewide election, other than the candidates for  
19 governor and lieutenant governor, not to exceed \$6,500;

20 ~~————(c)~~ for a candidate for public service commissioner, not to exceed \$2,600;

21 ~~————(d)~~ for a candidate for the state senate, not to exceed \$1,050;

22 ~~————(e)~~ for a candidate for any other public office, not to exceed \$650.

23 (4) (a) The commissioner shall adjust the limitations in subsections (1) and (3) by multiplying each limit  
24 by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the  
25 year in which a general election is held by the consumer price index for June 2002.

26 ~~————(b)~~ The resulting figure must be rounded up or down to the nearest:

27 ~~————(i)~~ \$10 increment for the limits established in subsection (1); and

28 ~~————(ii)~~ \$50 increment for the limits established in subsection (3).

29 ~~————(c)~~ The commissioner shall publish the revised limitations as a rule

30 (B) A LEADERSHIP POLITICAL COMMITTEE MAINTAINED BY A POLITICAL OFFICEHOLDER IS CONSIDERED TO BE

1 ORGANIZED ON THE POLITICAL OFFICEHOLDER'S BEHALF.

2 (3) ALL POLITICAL COMMITTEES EXCEPT THOSE OF POLITICAL PARTY ORGANIZATIONS ARE SUBJECT TO THE  
 3 PROVISIONS OF SUBSECTIONS (1) AND (2). FOR PURPOSES OF THIS SUBSECTION, "POLITICAL PARTY ORGANIZATION"  
 4 MEANS ANY POLITICAL ORGANIZATION THAT WAS REPRESENTED ON THE OFFICIAL BALLOT AT THE MOST RECENT  
 5 GUBERNATORIAL ELECTION. EXCEPT AS PROVIDED BY 2 U.S.C. 441A FOR CONTRIBUTIONS TO A FEDERAL CANDIDATE, AS  
 6 THAT STATUTE READS ON [THE EFFECTIVE DATE OF THIS ACT], A POLITICAL COMMITTEE OF A POLITICAL PARTY  
 7 ORGANIZATION IS NOT SUBJECT TO AGGREGATE CONTRIBUTION LIMITS FOR EACH ELECTION IN A CAMPAIGN.

8 (2) A political committee as defined in 13-1-101, including but not limited to a corporation or a union, is  
 9 not subject to aggregate limits for each election in a campaign for the purposes of this section.

10 (5)(3)(4) A candidate may not accept any contributions, including in-kind contributions, in excess of the  
 11 limits in this section.

12 (6)(4)(5) For purposes of this section, "election" means the general election or a primary election that  
 13 involves two or more candidates for the same nomination. If there is not a contested primary, there is only one  
 14 election to which the contribution limits apply. If there is a contested primary, then there are two elections to which  
 15 the contribution limits apply."

16  
 17 NEW SECTION. Section 2. Repealer. The following sections SECTION of the Montana Code Annotated  
 18 are ~~is~~ repealed:

19 13-35-227. Prohibited contributions from corporations.

20 13-37-218. Limitations on receipts from political committees.

21 - END -