

1 SENATE BILL NO. 124

2 INTRODUCED BY S. MALEK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF A "POLITICAL COMMITTEE";
5 AND AMENDING SECTION 13-1-101, MCA."

6

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

8

9 **Section 1.** Section 13-1-101, MCA, is amended to read:10 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
11 definitions apply:12 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
13 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

14 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

15 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
16 is ordinarily not given away free but is purchased.17 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
18 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
19 information subject to verification as provided by law.20 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
21 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

22 (6) "Candidate" means:

23 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
24 appointment as a candidate for public office as required by law;25 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
26 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
27 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
28 or election to any office at any time, whether or not the office for which the individual will seek nomination or
29 election is known when the:

30 (i) solicitation is made;

- 1 (ii) contribution is received and retained; or
- 2 (iii) expenditure is made; or
- 3 (c) an officeholder who is the subject of a recall election.
- 4 (7) (a) "Contribution" means:
- 5 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
- 6 to influence an election;
- 7 (ii) a transfer of funds between political committees;
- 8 (iii) the payment by a person other than a candidate or political committee of compensation for the
- 9 personal services of another person that are rendered to a candidate or political committee.
- 10 (b) "Contribution" does not mean:
- 11 (i) services provided without compensation by individuals volunteering a portion or all of their time on
- 12 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
- 13 residences for a candidate or other individual;
- 14 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
- 15 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
- 16 (iii) the cost of any communication by any membership organization or corporation to its members or
- 17 stockholders or employees; or
- 18 (iv) filing fees paid by the candidate.
- 19 (8) "Election" means a general, regular, special, or primary election held pursuant to the requirements
- 20 of state law, regardless of the time or purpose.
- 21 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
- 22 governing body to be responsible for all election administration duties, except that with regard to school elections
- 23 not administered by the county, the term means the school district clerk.
- 24 (10) "Elector" means an individual qualified to vote under state law.
- 25 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
- 26 of money or anything of value made for the purpose of influencing the results of an election.
- 27 (b) "Expenditure" does not mean:
- 28 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);
- 29 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
- 30 personal necessities for the candidate and the candidate's family;

1 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
2 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

3 (iv) the cost of any communication by any membership organization or corporation to its members or
4 stockholders or employees.

5 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
6 for the office of president of the United States or for the United States congress.

7 (13) "General election" or "regular election" means an election held for the election of public officers
8 throughout the state at times specified by law, including elections for officers of political subdivisions when the
9 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
10 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
11 legislature to the electors at a general election, "general election" means an election held at the time provided
12 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
13 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
14 13-1-104(1).

15 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
16 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

17 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

18 (16) "Individual" means a human being.

19 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
20 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
21 questions, school levy questions, bond issue questions, or a ballot question.

22 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
23 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
24 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
25 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

26 (18) "Legally registered elector" means an individual whose application for voter registration was
27 accepted, processed, and verified as provided by law.

28 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
29 ballots to all active electors.

30 (20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,

1 club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

2 (21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307
3 for a mail ballot election conducted under Title 13, chapter 19.

4 (22) (a) "Political committee" means a combination of two or more individuals or a person other than an
5 individual who makes a contribution or expenditure:

6 ~~(a)~~(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or
7 a petition for nomination; or

8 ~~(b)~~(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue;

9 or

10 ~~(c)~~(iii) as an earmarked contribution.

11 (b) For purposes of this subsection (22), "to support or oppose" includes both express advocacy and the
12 functional equivalent of express advocacy. The functional equivalent of express advocacy includes any
13 communication that is susceptible to no reasonable interpretation other than as an appeal to vote for or against
14 a specific candidate or ballot issue.

15 (23) "Political subdivision" means a county, consolidated municipal-county government, municipality,
16 special district, or any other unit of government, except school districts, having authority to hold an election for
17 officers or on a ballot issue.

18 (24) "Polling place election" means an election primarily conducted at polling places rather than by mail
19 under the provisions of Title 13, chapter 19.

20 (25) "Primary" or "primary election" means an election held throughout the state to nominate candidates
21 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
22 when the time for nominations is set on the same date for all similar subdivisions in the state.

23 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
24 verified as provided by law.

25 (27) "Provisionally registered elector" means an individual whose application for voter registration was
26 accepted but whose identity or eligibility has not yet been verified as provided by law.

27 (28) "Public office" means a state, county, municipal, school, or other district office that is filled by the
28 people at an election.

29 (29) "Random-sample audit" means an audit involving a manual count of ballots from designated races
30 and ballot issues in precincts selected through a random process as provided in 13-17-503.

