

SENATE JUDICIARY
COMMITTEE NO. 8
3/14/13
SB375

Amendments to Senate Bill No. 375
1st Reading Copy

Requested by Senator Jim Peterson

For the Senate Judiciary Committee

Prepared by Rachel Weiss
March 14, 2013 (7:47am)

1. Title, page 1, line 21.

Strike: the first "CERTAIN"

Insert: "INCIDENTAL"

Strike: "THE SOURCE OF CERTAIN REVENUE"

Strike: "CERTAIN INFORMATION"

2. Title, page 1, line 25.

Following: "INCOME;"

Insert: "REVISING AND"

Following: "AUTHORITY;"

Insert: "CREATING A SPECIAL REVENUE ACCOUNT FOR CERTAIN FEES
RECEIVED BY THE COMMISSIONER OF POLITICAL PRACTICES;"

3. Title, page 1, line 26.

Following: "13-35-227,"

Insert: "13-35-402,"

4. Page 6, line 5.

Strike: the second "or"

5. Page 6, line 6.

Strike: "."

Insert: "; or"

6. Page 6, following line 6.

Insert: "(v) funds received in the normal course of business."

7. Page 7, line 30.

Strike: "an independent"

Insert: "a political"

8. Page 8, line 6.

Following: "political committee"

Insert: "organized for a primary purpose of making contributions
and expenditures but that"

9. Page 12, following line 22.

Insert: "**Section 5.** Section 13-35-402, MCA, is amended to read:

"13-35-402. Fair notice period before election —

Handwritten text at the top left, possibly a name or title.

Four horizontal lines of handwritten text, likely a list or address.

definition. (1) A candidate, a political committee that has filed a certification under 13-37-201, and an independent ~~political~~ committee shall at the time specified in subsection (3) of this section provide to candidates listed in subsection (2) of this section any final copy of campaign advertising in print media, in printed material, or by broadcast media that is intended for public distribution in the 10 days prior to an election unless:

(a) identical material was already published or broadcast;
or

(b) the material does not identify or mention the opposing candidate.

(2) The material must be provided to all other candidates who have filed for the same office and who are individually identified or mentioned in the advertising, except candidates mentioned in the context of endorsements.

(3) Final copies of material described in subsection (1) must be provided to the candidates listed in subsection (2) at the following times:

(a) at the time the material is published or broadcast or disseminated to the public;

(b) if the material is disseminated by direct mail, on the date of the postmark; or

(c) if the material is prepared and disseminated by hand, on the day the material is first being made available to the general public.

(4) The copy of the material that must be provided to the candidates listed in subsection (2) must be provided by electronic mail, facsimile transmission, or hand delivery, with a copy provided by direct mail if the recipient does not have available either electronic mail or facsimile transmission. If the material is for broadcast media, the copy provided must be a written transcript of the broadcast.

~~(5) For the purposes of this section, an "independent political committee" is a committee that is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a candidate or a candidate's committee in conjunction with the making of expenditures or accepting contributions."~~

{ Internal References to 13-35-402:

13-35-403x rw 3/13 }"

Renumber: subsequent sections

10. Page 13, line 10 through line 11.

Strike: "general fund" on line 10 through "state" on line 11

Insert: "state special revenue fund established in [section 16]"

11. Page 18, line 10 through line 11.

Strike: "The commissioner" on line 10 through "this chapter." on line 11

Insert: "An incidental committee shall file a report:

(a) on the 40th and 20th days preceding the date of an election in which it participates by making an expenditure;

(b) within 2 business days of receiving a contribution of \$1,000 or more if made between the 20th day before an election and the day of the election;

(c) within 2 business days of making an expenditure or incurring a debt or obligation of \$750 or more for an electioneering communication if the expenditure is made or the debt or obligation is incurred between the 19th day before the election and the day of the election;

(d) not more than 20 days after the date of the election in which it participated; and

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

12. Page 18, line 13.

Strike: "2"

Insert: "7"

13. Page 18, line 14.

Strike: "and"

Following: "(4) (b),"

Insert: "(4) (c), (5) (b), and (5) (c),"

14. Page 18, line 25.

Strike: "(4)"

Insert: "(5)"

15. Page 18, line 30.

Strike: "(4)"

Insert: "(5)"

16. Page 19, line 1.

Following: "~~(3) (b)~~,"

Strike: "and"

Following: "(4) (b)"

Insert: ", (4) (c), (5) (b), and (5) (c)"

17. Page 19, line 2.

Following: "~~(3) (b)~~,"

Strike: "or"

Following: "(4) (b),"

Insert: "(4) (c), (5) (b), or (5) (c)"

18. Page 19, line 11.

Strike: "Each"

Strike: "Except as provided in [section 14], each"

19. Page 20, line 13 through line 23.

Strike: section 13 in its entirety

Insert: "NEW SECTION. **Section 14. Disclosure requirements for incidental committees.** (1) An incidental political committee shall file a statement of organization as required by 13-37-201 and reports as provided in 13-37-226(5).

(2) For incidental committees that are not corporations with shareholders, the regularly scheduled reports must disclose all expenditures made prior to the reporting date and must disclose:

(a) if an incidental committee maintains a separate, segregated fund for the purpose of making expenditures or contributions in Montana, all contributions, donations, or funds received from a person prior to the reporting date and that are maintained in the separate, segregated fund; or

(b) if an incidental committee does not maintain a separate, segregated fund, the top ten persons making the largest aggregate contributions to the committee prior to the reporting date.

(3) For incidental committees that are corporations with shareholders, the regularly scheduled report must disclose all expenditures made prior to the reporting date and all shareholders possessing 10% or more of the corporation's stock according to the most recent available data prior to the reporting date."

20. Page 20, following line 28.

Insert: "NEW SECTION. **Section 16. Transparency, reporting, and accountability in campaigns and elections (TRACE) account.**

(1) There is a transparency, reporting, and accountability in campaigns and elections account in the state special revenue fund. The amounts recovered and allocated to the commissioner's office pursuant to 13-37-129(1) must be deposited in the account.

(2) Money allocated to the special revenue fund must be used as specified in 13-37-129(2)."

Renumber: subsequent sections

21. Page 26, line 14.

Strike: "13 and"

Following: "14"

Strike: "through 16"

22. Page 26, line 16.

Strike: "13 and"

Following: "14"

Insert: "through 16"

23. Page 26, following line 16.

Insert: "NEW SECTION. **Section 21. {standard} Saving clause.**

[This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

24. Page 26, line 19.

Strike: "[sections 15 and 16]"

Insert: "[section 17 and 18]"

- END -