

1 HOUSE BILL NO. 594

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING SANCTIONS FOR FRIVOLOUS COMPLAINTS
5 RELATING TO A CAMPAIGN OR AN ELECTION; AND PROVIDING AN EFFECTIVE DATE."

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

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9 NEW SECTION. **Section 1. Sanctions for frivolous complaints.** (1) By submitting a complaint to the
10 commissioner, the party submitting the complaint certifies that to the best of the party's knowledge, information,
11 and belief, formed after an inquiry reasonable under the circumstances:12 (a) the complaint is not being presented for any improper purpose, including but not limited to
13 harassment;14 (b) the claims of the complaint are warranted under existing law or rule or by a nonfrivolous argument
15 interpreting existing law;16 (c) the factual contentions have evidentiary support or will likely have evidentiary support after a
17 reasonable opportunity for further investigation or discovery.18 (2) If, after notice and a reasonable opportunity to respond, the commissioner determines that subsection
19 (1) has been violated, the commissioner may impose a sanction on the party submitting the complaint that
20 violated subsection (1) or the party that is responsible for the violation.21 (3) The commissioner may impose a fine of \$250 or the reasonable cost of attorney fees and staff time
22 in responding to and investigating the matter, whichever is greater.

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24 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 13, chapter 37, part 1, and the provisions of Title 13, chapter 37, part 1, apply to [section 1].

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27 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2015.

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