

1 HOUSE BILL NO. 471

2 INTRODUCED BY J. COBB

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CAMPAIGN FINANCE LAWS APPLICABLE TO A
5 CANDIDATE'S CONTRIBUTIONS TO THE CANDIDATE'S OWN CAMPAIGN; ALLOWING A CANDIDATE TO
6 ACCEPT CONTRIBUTIONS FROM ANY SOURCE UP TO THE AMOUNT AN OPPONENT HAS RECEIVED
7 FROM THE OPPONENT'S OWN RESOURCES OF \$5,000 OR MORE; REQUIRING CAMPAIGN FINANCE
8 REPORTS WITHIN 48 HOURS OF ANY CONTRIBUTION OF \$100 OR MORE RECEIVED BY A CANDIDATE
9 WHO HAS MADE A CONTRIBUTION OF \$5,000 OR MORE TO THE CANDIDATE'S OWN CAMPAIGN;
10 AMENDING SECTIONS 13-37-216 AND 13-37-226, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

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

15 **"13-37-216. Limitations on contributions.** (1) (a) Aggregate contributions for each election in a
16 campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as
17 follows:

18 (i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$400;

19 (ii) for a candidate to be elected for state office in a statewide election, other than the candidates for
20 governor and lieutenant governor, not to exceed \$200;

21 (iii) for a candidate for any other public office, not to exceed \$100.

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

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

29 (b) A leadership political committee maintained by a political officeholder is considered to be organized
30 on the political officeholder's behalf.

1 (3) All political committees except those of political party organizations are subject to the provisions of
 2 subsections (1) and (2). For purposes of this subsection, "political party organization" means any political
 3 organization that was represented on the official ballot at the most recent gubernatorial election. Political party
 4 organizations may form political committees that are subject to the following aggregate limitations from all political
 5 party committees:

6 (a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$15,000;

7 (b) for a candidate to be elected for state office in a statewide election, other than the candidates for
 8 governor and lieutenant governor, not to exceed \$5,000;

9 (c) for a candidate for public service commissioner, not to exceed \$2,000;

10 (d) for a candidate for the state senate, not to exceed \$800;

11 (e) for a candidate for any other public office, not to exceed \$500.

12 (4) If a candidate makes one or more contribution of a total of \$5,000 or more of the candidate's own
 13 resources to the candidate's own election campaign, an opposing candidate may then contribute to the opposing
 14 candidate's own election campaign the same amount of resources contributed by the first candidate and may
 15 make or allow those contributions from any sources without regard to the limits imposed by this section.

16 ~~(4)(5)~~ A Except as provided in this section, a candidate may not accept any contributions in excess of
 17 the limits in this section.

18 ~~(5)(6)~~ For purposes of this section, "election" means the general election or a primary election that
 19 involves two or more candidates for the same nomination. If there is not a contested primary, there is only one
 20 election to which the contribution limits apply. If there is a contested primary, then there are two elections to which
 21 the contribution limits apply."

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23 **Section 2.** Section 13-37-226, MCA, is amended to read:

24 **"13-37-226. Time for filing reports.** (1) Candidates for a state office filled by a statewide vote of all the
 25 electors of Montana and political committees that are organized to support or oppose a particular statewide
 26 candidate shall file reports:

27 (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in
 28 which funds are received or expended during the year or years prior to the election year that the candidate
 29 expects to be on the ballot;

30 (b) on the 10th day of March and September in each year that an election is to be held and on the 15th

1 and 5th days preceding the date on which an election is held and within 24 hours after receiving a contribution
2 of \$500 or more if received between the 10th day before the election and the day of the election;

3 (c) not more than 20 days after the date of the election; and

4 (d) on the 10th day of March and September of each year following an election until the candidate or
5 political committee files a closing report as specified in 13-37-228(3).

6 (2) Political committees organized to support or oppose a particular statewide ballot issue shall file
7 reports:

8 (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in
9 which funds are received or expended during the year or years prior to the election year that an issue subject to
10 a referendum is or is expected to be on the ballot;

11 (b) on the 10th day of March and on the 10th day of each subsequent month through September;

12 (c) on the 15th and 5th days preceding the date on which an election is held;

13 (d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before
14 the election and the day of the election;

15 (e) within 20 days after the election; and

16 (f) on the 10th day of March and September of each year following an election until the political
17 committee files a closing report as specified in 13-37-228(3).

18 (3) Candidates for a state district office, including but not limited to candidates for the legislature, the
19 public service commission, or a district court judge, and political committees that are specifically organized to
20 support or oppose a particular state district candidate or issue shall file reports:

21 (a) on the 12th day preceding the date on which an election is held and within 48 hours after receiving
22 a contribution of \$100 or more if received between the 17th day before the election and the day of the election.

23 The report under this subsection (3)(a) may be made by mail or by electronic communication to the clerk and
24 recorder and the commissioner of political practices.

25 (b) not more than 20 days after the date of the election; and

26 (c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

27 (4) Candidates for any other public office and political committees that are specifically organized to
28 support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount
29 of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing
30 fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

1 (5) For the purposes of this subsection, a committee that is not specifically organized to support or
2 oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in
3 conjunction with an election is an independent committee. For the purpose of reporting, a political party committee
4 is an independent committee. An independent committee shall file:

5 (a) a report on the 12th day preceding the date of an election in which it participates by making an
6 expenditure;

7 (b) a report not more than 20 days after the date of the election in which it participates by making an
8 expenditure; and

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

11 (6) A candidate specified in subsection (1) or (3) who makes one or more contributions of a total of
12 \$5,000 or more of the candidate's own resources to the candidate's own election campaign shall report any
13 additional contribution of \$100 or more from any source within 48 hours after receiving the contribution. The report
14 must be made by mail or by electronic communication to the clerk and recorder and the commissioner.

15 ~~(6)(7)~~ The commissioner may promulgate rules regarding the extent to which organizations that are not
16 primary political committees but are incidental political committees shall report their politically related activities
17 in accordance with this chapter.

18 ~~(7)(8)~~ All reports required by this section must be complete as of the fifth day before the date of filing as
19 specified in 13-37-228(2) and this section."

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21 NEW SECTION. Section 3. Applicability. [This act] applies to election campaigns occurring after
22 October 1, 1999.

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