

SENATE BILL NO. 422

INTRODUCED BY C. KAUFMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTES RELATING TO ELECTIONS AND CAMPAIGN PRACTICES AND FINANCING; AMENDING SECTIONS 2-2-121, 13-1-101, 13-35-225, 13-37-201, AND 13-37-226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 2-2-121, MCA, is amended to read:

**"2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the



1 use is:

2 (i) authorized by law; or

3 (ii) properly incidental to another activity required or authorized by law, such as the function of an elected  
4 public officer, the officer's staff, or the legislative staff in the normal course of duties.

5 (b) As used in this subsection (3), "properly incidental to another activity required or authorized by law"  
6 does not include any activities related to solicitation of support for or opposition to the nomination or election of  
7 a person to public office or political committees organized to support or oppose a candidate or candidates for  
8 public office. With respect to ballot issues, properly incidental activities are restricted to:

9 (i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the  
10 impact of passage or failure of a ballot issue on state or local government operations;

11 (ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of  
12 law governing public meetings of the local board of trustees, including the resulting dissemination of information  
13 by a board of trustees or a school superintendent or a designated employee in a district with no superintendent  
14 in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended  
15 for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the  
16 electors.

17 (c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express  
18 personal political views.

19 (4) A candidate, as defined in 13-1-101~~(6)~~(a), may not use or permit the use of state funds for any  
20 advertisement or public service announcement in a newspaper, on radio, or on television that contains the  
21 candidate's name, picture, or voice except in the case of a state or national emergency and then only if the  
22 announcement is reasonably necessary to the candidate's official functions.

23 (5) A public officer or public employee may not participate in a proceeding when an organization, other  
24 than an organization or association of local government officials, of which the public officer or public employee  
25 is an officer or director is:

26 (a) involved in a proceeding before the employing agency that is within the scope of the public officer's  
27 or public employee's job duties; or

28 (b) attempting to influence a local, state, or federal proceeding in which the public officer or public  
29 employee represents the state or local government.

30 (6) A public officer or public employee may not engage in any activity, including lobbying, as defined in

1 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of  
2 which the public officer or public employee is a member while performing the public officer's or public employee's  
3 job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing  
4 charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized  
5 by law.

6 (7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101  
7 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section.  
8 The public officer or public employee may not make arrangements for the listing in the electronic directory during  
9 work hours.

10 (8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act  
11 notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute  
12 and if the person complies with the disclosure procedures under 2-2-131.

13 (9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless  
14 the member is also a full-time public employee.

15 (10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government  
16 from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise  
17 enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to  
18 performing the official act."

19

20 **Section 2.** Section 13-1-101, MCA, is amended to read:

21 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following  
22 definitions apply:

23 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure  
24 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

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

26 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that  
27 is ordinarily not given away free but is purchased.

28 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state  
29 that is completed and signed by an elector, is submitted to the election administrator, and contains voter  
30 registration information subject to verification as provided by law.

1 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an  
2 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

3 (6) "Campaign advertising" means a communication that:

4 (a) supports or opposes a candidate, a ballot issue, or a committee organized to support or oppose a  
5 candidate, ballot issue, or petition for nomination;

6 (b) is disseminated or targeted to more than 1% of the electors eligible to vote on a particular candidate  
7 or ballot issue; and

8 (c) is made or financed by expenditures in a total amount exceeding:

9 (i) for advertising identifying political parties, statewide candidates, or a ballot issue, the individual  
10 contribution limit amount provided by 13-37-216 for statewide candidates other than the candidates for governor  
11 and lieutenant governor; or

12 (ii) for advertising identifying other candidates, the contribution limit amount provided by 13-37-216 for  
13 a candidate for any other public office.

14 ~~(6)~~(7) "Candidate" means:

15 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or  
16 appointment as a candidate for public office as required by law;

17 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained  
18 contributions, made expenditures, or given consent to an individual, organization, political party, or committee  
19 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination  
20 or election to any office at any time, whether or not the office for which the individual will seek nomination or  
21 election is known when the:

22 (i) solicitation is made;

23 (ii) contribution is received and retained; or

24 (iii) expenditure is made; or

25 (c) an officeholder who is the subject of a recall election.

26 ~~(7)~~(8) (a) "Contribution" means:

27 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value  
28 to influence an election;

29 (ii) a transfer of funds between political committees;

30 (iii) the payment by a person other than a candidate or political committee of compensation for the

1 personal services of another person that are rendered to a candidate or political committee;  
 2 (iv) a coordinated expenditure made in cooperation or consultation with, at the request or suggestion of,  
 3 or with the prior consent of a candidate or political committee or an agent of a candidate or political committee;

4 or

5 (v) an earmarked contribution made with the direction that all or part of it be transferred to or expended  
 6 on behalf of a specified candidate, ballot issue, or petition for nomination or received in response to a  
 7 communication indicating that any portion of the funds received will be used in support of or opposition to a clearly  
 8 identified political party, candidate, or ballot issue.

9 (b) "Contribution" does not mean:

10 (i) services provided without compensation by individuals volunteering a portion or all of their time on  
 11 behalf of a candidate or political committee or meals and lodging provided by individuals in their private  
 12 residences for a candidate or other individual;

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

15 (iii) the cost of any communication by any membership organization or corporation to its members or  
 16 stockholders or employees or by a church in religious worship; or

17 (iv) filing fees paid by the candidate.

18 ~~(8)~~(9) "Election" means a general, regular, special, or primary election held pursuant to the requirements  
 19 of state law, regardless of the time or purpose.

20 ~~(9)~~(10) "Election administrator" means the county clerk and recorder or the individual designated by a  
 21 county governing body to be responsible for all election administration duties, except that with regard to school  
 22 elections not administered by the county, the term means the school district clerk.

23 ~~(10)~~(11) "Elector" means an individual qualified to vote under state law.

24 ~~(11)~~(12) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
 25 gift of money or anything of value made for the purpose of influencing the results of an election.

26 (b) "Expenditure" does not mean:

27 (i) services, food, or lodging provided in a manner that they are not contributions under subsection ~~(7)~~  
 28 (8);

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 or by a church in religious worship.

5 ~~(12)~~(13) "Federal election" means a general or primary election in which an elector may vote for  
6 individuals for the office of president of the United States or for the United States congress.

7 ~~(13)~~(14) "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)~~(15) "Inactive elector" means an individual who failed to respond to confirmation notices and whose  
16 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

17 ~~(15)~~(16) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

18 ~~(16)~~(17) "Individual" means a human being.

19 ~~(17)~~(18) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their  
20 approval 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)~~(19) "Legally registered elector" means an individual whose application for voter registration was  
27 accepted, processed, and verified as provided by law.

28 ~~(19)~~(20) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing  
29 ballots to all active electors.

30 ~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative,

1 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection ~~(6)~~  
 2 (7).

3 ~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to  
 4 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

5 ~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an  
 6 individual who:

7 (a) has a primary purpose of influencing elections, meaning that contributions or expenditures account  
 8 for more than 25% of the committee's annual time or financial resources; and

9 (b) makes a contribution or expenditure:

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

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

13 or

14 ~~(c)~~(iii) as an earmarked contribution; and

15 (c) since the last general election, made or received contributions or made expenditures in a total amount  
 16 exceeding:

17 (i) \$1,000 in statewide candidate or any ballot issue elections;

18 (ii) \$500 in public service commission elections; or

19 (iii) \$250 in legislative district or local elections.

20 ~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality,  
 21 special district, or any other unit of government, except school districts, having authority to hold an election for  
 22 officers or on a ballot issue.

23 ~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by  
 24 mail under the provisions of Title 13, chapter 19.

25 ~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate  
 26 candidates for public office at times specified by law, including nominations of candidates for offices of political  
 27 subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

28 ~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not  
 29 been verified as provided by law.

30 ~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration

1 was accepted but whose identity or eligibility has not yet been verified as provided by law.

2 ~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by  
3 the people at an election.

4 ~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated  
5 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

6 ~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or  
7 assistant election administrator.

8 ~~(31)~~(32) "Special election" means an election other than a statutorily scheduled primary or general  
9 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily  
10 scheduled election.

11 ~~(32)~~(33) "Statewide voter registration list" means the voter registration list established and maintained  
12 pursuant to 13-2-107 and 13-2-108.

13 ~~(33)~~(34) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an  
14 elector to transfer the elector's registration when the elector's residence address has changed within the county.

15 ~~(34)~~(35) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided  
16 in 13-15-206.

17 ~~(35)~~(36) "Voted ballot" means a ballot that is:

- 18 (a) deposited in the ballot box at a polling place;  
19 (b) received at the election administrator's office; or  
20 (c) returned to a place of deposit.

21 ~~(36)~~(37) "Voting system" or "system" means any machine, device, technology, or equipment used to  
22 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."  
23

24 **Section 3.** Section 13-35-225, MCA, is amended to read:

25 **"13-35-225. Election materials not to be anonymous -- statement of accuracy.** (1) All  
26 ~~communications advocating the success or defeat of a candidate, political party, or ballot issue~~ Campaign  
27 advertising conducted through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct  
28 mailing, poster, handbill, bumper sticker, internet website, or other form of general political advertising must  
29 clearly and conspicuously include the attribution "paid for by" followed by the name and address of the person  
30 who made or financed the expenditure for the ~~communication~~ campaign advertising. ~~When~~ The attribution must

1 contain:

2 (a) for campaign advertising financed by a candidate or a candidate's campaign ~~finances the~~  
3 ~~expenditure, the attribution must be,~~ the name and the address of the candidate or the candidate's campaign-

4 ~~In the case of:~~

5 (b) for campaign advertising financed by a political committee, ~~the attribution must be the name of the~~  
6 ~~committee, the name of the committee treasurer, the name~~ and the address of the committee ~~or the committee~~  
7 ~~treasurer.;~~

8 (c) for campaign advertising financed by any other person other than an individual, the name and  
9 address of each of the persons who made or financed the expenditure.

10 (2) ~~Communications~~ Campaign advertising in a partisan election financed by a candidate or a political  
11 committee organized on the candidate's behalf must state the candidate's party affiliation or include the party  
12 symbol.

13 (3) (a) ~~Printed election material~~ Campaign advertising described in subsection (1) that includes  
14 information about another candidate's voting record must include:

15 (i) a reference to the particular vote or votes upon which the information is based;

16 (ii) a disclosure of contrasting votes on the same legislation known to have been made by the candidate  
17 ~~on the same issue if closely related in time;~~ and

18 (iii) a statement, signed as provided in subsection (3)(b), that to the best of the signer's knowledge, the  
19 statements made about the other candidate's voting record are accurate and true.

20 (b) The statement required under subsection (3)(a) must be signed:

21 (i) by the candidate if the ~~election material~~ campaign advertising was prepared for the candidate or the  
22 candidate's political committee and includes information about another candidate's voting record; or

23 (ii) by the person financing the ~~communication~~ campaign advertising or the person's legal agent if the  
24 ~~election material~~ campaign advertising was not prepared for a candidate or a candidate's political committee.

25 (4) If a document or other article of advertising is too small for the requirements of subsections (1)  
26 through (3) to be conveniently included, the candidate responsible for the material or the person financing the  
27 ~~communication~~ campaign advertising shall file a copy of the article with the commissioner of political practices,  
28 together with the required information or statement, at the time of its public distribution.

29 (5) If information required in subsections (1) through (3) is omitted or not printed, upon discovery of or  
30 notification about the omission, the candidate responsible for ~~the material~~ or the person financing the

1 ~~communication~~ campaign advertising shall:

2 (a) file notification of the omission with the commissioner of political practices within 5 days of the  
3 discovery or notification or within 24 hours of the discovery or notification after ballots are available pursuant to  
4 13-13-205;

5 (b) bring the ~~material~~ campaign advertising into compliance with subsections (1) through (3); and

6 (c) withdraw any noncompliant ~~communication~~ campaign advertising from circulation as soon as  
7 reasonably possible."

8

9 **Section 4.** Section 13-37-201, MCA, is amended to read:

10 **"13-37-201. Campaign treasurer and organizational statement -- registration fee.** (1) Except as  
11 provided in 13-37-206, each candidate and each political committee shall appoint one campaign treasurer and  
12 certify the full name and complete address of the campaign treasurer pursuant to this section. A candidate shall  
13 file the certification within 5 days after becoming a candidate. A political committee shall file the certification, which  
14 must include an organizational statement and the name and address of all officers, if any, within 5 days after it  
15 makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first.  
16 The certification of a candidate or political committee must be filed with the commissioner ~~and the appropriate~~  
17 ~~election administrator~~ as specified for the filing of reports in 13-37-225. A political committee organized for more  
18 than one general election cycle shall file an organizational statement for each general election cycle.

19 (2) Each political committee shall include with its organizational statement a registration fee set by the  
20 commissioner, not to exceed \$100, unless the fee is waived under this subsection. A fee may not be charged by  
21 the commissioner for the filing of an amended organizational statement. A committee that believes that payment  
22 of the registration fee may constitute a hardship may apply to the commissioner for a waiver of the fee required  
23 by this section. The commissioner may waive all or a portion of the registration fee upon proof by the committee  
24 that payment of the fee constitutes a hardship. Registration fees collected pursuant to this section must be  
25 deposited in the special revenue account created by [section 6]."

26

27 **Section 5.** Section 13-37-226, MCA, is amended to read:

28 **"13-37-226. Time for filing reports.** (1) Candidates for a state office filled by a statewide vote of all the  
29 electors of Montana and political committees that are organized to support or oppose a particular statewide  
30 candidate shall file reports electronically as follows:

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

4 (b) on the 10th day of March, April, July, August, and September;

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

6 (d) within 24 hours after receiving a contribution of \$200 or more if received between the 10th day before  
 7 ~~the election~~ ballots are available pursuant to 13-13-205 and the day of the election;

8 (e) not more than 20 days after the date of the election; and

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

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

13 (a) quarterly, due on the fifth day following a calendar quarter, beginning with the calendar quarter in  
 14 which the text of the proposed ballot issue is submitted for review and approval pursuant to 13-27-202 during the  
 15 year or years prior to the election year that an issue is or is expected to be on the ballot;

16 (b) on the 10th day of March ~~and on the 10th day of each subsequent month through September in each~~  
 17 ~~year that an election is to be held,~~ April, July, August, and September;

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

19 (d) within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before  
 20 ~~the election~~ ballots are available pursuant to 13-13-205 and the day of the election;

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

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

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

27 (a) on the 12th day preceding the date on which an election is held;

28 (b) within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before  
 29 ~~the election~~ ballots are available pursuant to 13-13-205 and the day of the election. The report under this  
 30 subsection (3)(b) must be made by mail or by electronic communication to the commissioner and the election

1 administrator of the appropriate county pursuant to 13-37-225.

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

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

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

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

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

14 (b) a report within 24 hours of making an expenditure or incurring a debt or obligation of \$500 or more  
15 for ~~election material described in 13-35-225(4)~~ campaign advertising if made between the 17th day before the  
16 ~~election~~ ballots are available pursuant to 13-13-205 and the day of the election;

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

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

21 ~~(6) The commissioner may promulgate rules regarding the extent to which organizations that are~~  
22 ~~incidental political committees shall report their politically related activities in accordance with this chapter.~~

23 ~~(7)(6)~~ Except as provided in subsections (1)(d), (2)(d), (3)(b), and (5)(b), all reports required by this  
24 section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2) and this section."  
25

26 **NEW SECTION. Section 6. Campaign finance disclosure account.** There is an account in the state  
27 special revenue fund called the campaign finance disclosure account. Money in the account consists of  
28 registration fees collected by the commissioner pursuant to 13-37-201. Donations, grants, and other money  
29 received by the commissioner for the purposes of the fund must be deposited in the fund. Earnings on the  
30 investment of money in the fund must be retained within the fund.

1  
2           **NEW SECTION. Section 7. Disclosure by other persons making expenditures.** (1) A person, other  
3 than a candidate or political committee subject to disclosure under this part, who since the last general election  
4 makes or finances expenditures in an aggregate amount exceeding \$1,000 in a statewide candidate or any ballot  
5 issue election, \$500 in a public service commission election, or \$250 in a legislative or other election shall file with  
6 the commissioner as provided in this section:

7           (a) the full name and mailing address (occupation and the principal place of business, if any) of the  
8 person making or financing the expenditure, including the name and address of all officers, if any;

9           (b) the full name and mailing address of each person to whom expenditures have been made, including  
10 the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

11           (c) the full name and mailing address (occupation and the principal place of business, if any) of each  
12 person to whom an expenditure for personal services, salaries, and reimbursed expenses has been made,  
13 including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each  
14 person;

15           (d) the total sum of expenditures made by the person;

16           (e) the name and address of each political committee or candidate to which the disclosing person made  
17 any transfer of funds, together with the amount and dates of all transfers;

18           (f) the full name, mailing address, occupation, and employer, if any, of each person who has made  
19 aggregate earmarked contributions of \$35 or more; and

20           (g) other information that may be required by the commissioner to fully disclose the source and  
21 disposition of funds used to support or oppose candidates or issues.

22           (2) Disclosure of expenditures made to a consultant, advertising agency, polling firm, or other person  
23 that performs services for campaign advertising must be itemized and described in sufficient detail to disclose  
24 the specific services performed by the entity to which payment or reimbursement was made.

25           (3) Disclosure must be made under this section within 5 days after making the first expenditure  
26 exceeding the aggregate amounts specified in subsection (1) or within 24 hours after making such an expenditure  
27 if made between the 10th day before ballots are available under 13-13-205 and the day of the election. After a  
28 person has exceeded the aggregate amounts specified in subsection (1), disclosure must be made under this  
29 section within 5 days after making each subsequent expenditure exceeding the aggregate amounts specified in  
30 13-1-101(6)(c) or within 24 hours after making such an expenditure if made between the 10th day before ballots

1 are available under 13-13-205 and the day of the election.

2

3 NEW SECTION. **Section 8. Codification instruction.** [Sections 6 and 7] are intended to be codified  
4 as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to  
5 [sections 6 and 7].

6

7 NEW SECTION. **Section 9. Saving clause.** [This act] does not affect rights and duties that matured,  
8 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

9

10 NEW SECTION. **Section 10. Severability.** If a part of [this act] is invalid, all valid parts that are  
11 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
12 the part remains in effect in all valid applications that are severable from the invalid applications.

13

14 NEW SECTION. **Section 11. Effective date.** [This act] is effective on passage and approval.

15

- END -