

HOUSE BILL NO. 77

INTRODUCED BY J. ELLIS

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE AND PROSECUTE CERTAIN ALLEGED AUTOMATED TELEPHONE SOLICITATIONS; PROVIDING A CIVIL PENALTY FOR CERTAIN AUTOMATED TELEPHONE SOLICITATIONS; AND AMENDING SECTION 13-37-128, MCA."

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

NEW SECTION. **Section 1. Automated telephone solicitation -- penalty.** (1) An allegation of a violation of 45-8-216 for the purpose of promoting a political campaign or for any use related to a political campaign may be filed with, investigated by, and prosecuted by the commissioner of political practices if the alleged violation occurred within 60 days before an election.

(2) The provisions of this section do not apply to any use exclusively related to a federal political campaign.

Section 2. Section 13-37-128, MCA, is amended to read:

"13-37-128. Cause of action created. (1) A person who intentionally or negligently violates any of the reporting provisions of this chapter, a provision of 13-35-225, or a provision of Title 13, chapter 35, part 4, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) A person who makes or receives a contribution or expenditure in violation of 13-35-227, 13-35-228, or this chapter or who violates 13-35-226 is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

(3) A person who intentionally or negligently violates 45-8-216 and is prosecuted under [section 1] is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in

1 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the expenditures used for the
2 unlawful telephone calls, whichever is greater."

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4 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 1].

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