

HOUSE BILL NO. 131

INTRODUCED BY E. HILL

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CANDIDATES AND COMMITTEES TO FILE REPORTS AT THE START OF AN ABSENTEE VOTING PERIOD; AND AMENDING SECTIONS 13-37-226 AND 13-37-228, MCA."

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

**Section 1.** Section 13-37-226, MCA, is amended to read:

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

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

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

(c) on the 1st day of May and October;

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

~~(d)~~(e) within 24 hours after receiving a contribution of \$200 or more if received between the 10th day before the election and the day of the election;

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

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

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

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



1 (b) on the 1st day of May and October;

2 ~~(b)(c)~~ on the 10th day of March and on the 10th day of each subsequent month through September in  
3 each year that an election is to be held;

4 ~~(e)(d)~~ on the 15th and 5th days preceding the date on which an election is held;

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

7 ~~(e)(f)~~ within 20 days after the election; and

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

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

13 (a) on the 1st day of May and October;

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

15 ~~(b)(c)~~ within 48 hours after receiving a contribution of \$100 or more if received between the 17th day  
16 before the election and the day of the election. The report under this subsection ~~(3)(b)~~ (3)(c) must be made by  
17 mail or by electronic communication to the commissioner pursuant to 13-37-225.

18 ~~(e)(d)~~ not more than 20 days after the date of the election; and

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

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

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

29 (a) on the 1st day of May and October;

30 ~~(a)(b)~~ a report on the 12th day preceding the date of an election in which it participates by making an

1 expenditure;

2 ~~(b)(c)~~ a report within 24 hours of making an expenditure or incurring a debt or obligation of \$500 or more  
3 for election material described in 13-35-225(1) if made between the 17th day before the election and the day of  
4 the election;

5 ~~(e)(d)~~ a report not more than 20 days after the date of the election in which it participates by making an  
6 expenditure; and

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

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

11 (7) Except as provided in subsections ~~(1)(d)~~ (1)(e), ~~(2)(d)~~ (2)(e), ~~(3)(b)~~ (3)(c), and ~~(5)(b)~~ (5)(c), all reports  
12 required by this section must be complete as of the fifth day before the date of filing as specified in 13-37-228(2)  
13 and this section."  
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15 **Section 2.** Section 13-37-228, MCA, is amended to read:

16 **"13-37-228. Time periods covered by reports.** Reports filed under 13-37-225 and 13-37-226 must be  
17 filed to cover the following time periods even though no contributions or expenditures may have been received  
18 or made during the period:

19 (1) The initial report must cover all contributions received or expenditures made by a candidate or  
20 political committee prior to the time that a person became a candidate or a political committee, as defined in  
21 13-1-101, until the fifth day before the date of filing of the appropriate initial report pursuant to 13-37-226(1)  
22 through (5). Reports filed by political committees organized to support or oppose a statewide ballot issue must  
23 disclose all contributions received and expenditures made prior to the time an issue becomes a ballot issue by  
24 transmission of the petition to the proponent of the ballot issue or referral by the secretary of state even if the  
25 issue subsequently fails to garner sufficient signatures to qualify for the ballot.

26 (2) Subsequent periodic reports must cover the period of time from the closing of the previous report to  
27 5 days before the date of filing of a report pursuant to 13-37-226(1) through (5). For the purposes of this  
28 subsection, the reports required under 13-37-226~~(1)(d)~~(1)(e), ~~(2)(d)~~ (2)(e), ~~(3)(b)~~ (3)(c), and ~~(5)(b)~~ (5)(c) are not  
29 periodic reports and must be filed as required by 13-37-226~~(1)(d)~~(1)(e), ~~(2)(d)~~ (2)(e), ~~(3)(b)~~ (3)(c), or ~~(5)(b)~~ (5)(c),  
30 as applicable.

1 (3) Closing reports must cover the period of time from the last periodic report to the final closing of the  
2 books of the candidate or political committee. A candidate or political committee shall file a closing report  
3 following an election in which the candidate or political committee participates whenever all debts and obligations  
4 are satisfied and further contributions or expenditures will not be received or made that relate to the campaign  
5 unless the election is a primary election and the candidate or political committee will participate in the general  
6 election."

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