

HOUSE BILL NO. 157

INTRODUCED BY F. MANDEVILLE

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO JUDICIAL DISQUALIFICATION; REQUIRING DISQUALIFICATION OF A JUDGE WHEN THE JUDGE HAS RECEIVED OR BENEFITTED FROM CERTAIN CONTRIBUTIONS; DEFINING TERMS; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Disqualification of judges receiving certain aggregate contributions.

(1) A judge may not sit or act in an action or proceeding when the judge knows or learns by means of a timely motion that the judge has received from a person in the action or proceeding or the person's employee or attorney an aggregate contribution that exceeds the contribution limit established in 13-37-216(1) for the judge during the election in which the aggregate contribution was received.

(2) If a person in the action or proceeding or the person's employee or attorney makes a direct or in-kind reportable contribution that passes through an intermediary before it is received by the judge's campaign committee, the full amount of the initial contribution must be counted toward determining the aggregate contribution to the judge even if other candidates or political committees may have benefitted from a proportional amount of the initial reportable contribution.

(3) For the purposes of this section, the following definitions apply:

(a) "Aggregate contribution" means the total of any reportable contributions from a person made directly to a judicial candidate or contributions made independently to or through a person or political committee when the contribution can be shown to benefit the election of the judicial candidate.

(b) "Election" has the meaning provided in 13-37-216(5).

(c) "Judge" means a justice, judge, justice of the peace, municipal court judge, or city court judge.

(d) "Person" and "political committee" have the meanings provided in 13-1-101.

(e) "Reportable contribution" means a contribution in an amount that would require disclosure under the limits established in 13-37-229(1)(b).

