

HOUSE BILL NO. 157

INTRODUCED BY F. MANDEVILLE, C. KNUDSEN

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

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

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

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

16 (2) If a person in the action or proceeding or the person's employee or attorney makes a direct or ~~in-kind~~
17 INDEPENDENT reportable contribution that passes through ~~an intermediary~~ ONE OR MORE PERSONS before it is
18 ~~received by the judge's campaign committee~~ BENEFITS THE JUDICIAL CANDIDATE, the full amount of the initial
19 contribution must be counted toward determining the aggregate contribution to the judge even if other candidates
20 or political committees may have benefitted from a proportional amount of the initial reportable contribution.

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

22 (A) "ACTION OR PROCEEDING" MEANS ANY CIVIL OR CRIMINAL CASE BROUGHT BEFORE A COURT.

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

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

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

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

29 ~~(e)~~(F) "Reportable contribution" means a contribution in an amount that would require disclosure under
30 the limits established in ~~13-37-229(1)(b)~~ 13-37-232(1).

