

1 HOUSE BILL NO. 580

2 INTRODUCED BY T. RUNNING WOLF, G. CUSTER, J. DOOLING, G. FRAZER, W. MCKAMEY, B. PUTNAM,

3 L. REKSTEN, F. SMITH

4 BY REQUEST OF THE (H) STATE ADMINISTRATION

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO POLITICAL COMMITTEES;
7 REVISING REQUIREMENTS FOR STATEMENTS OF ORGANIZATION AND ELECTION MATERIALS
8 ATTRIBUTION; AMENDING SECTIONS 13-35-225, 13-37-201, AND 13-37-204, MCA; REPEALING SECTION
9 13-37-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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13 **Section 1.** Section 13-35-225, MCA, is amended to read:

14 **"13-35-225. Election materials not to be anonymous -- notice -- penalty.** (1) All election
15 communications, electioneering communications, and independent expenditures must clearly and
16 conspicuously include the attribution "paid for by" followed by the name and address of the person who made
17 or financed the expenditure for the communication. The attribution must contain:

18 (a) for election communications or electioneering communications financed by a candidate or a
19 candidate's campaign finances, the name and the address of the candidate or the candidate's campaign;

20 (b) for election communications, electioneering communications, or independent expenditures
21 financed by a political committee, the name of the committee, the name of the committee treasurer, deputy
22 treasurer, secretary, vice chairperson, or chairperson, as designated pursuant to 13-37-201~~(2)(b)~~(3), and the
23 address and phone number of the committee or the named committee officer, and must refer the public to the
24 website of the commissioner of political practices for additional information on the committee; and

25 (c) for election communications, electioneering communications, or independent expenditures
26 financed by a political committee that is a corporation or a union, the name of the corporation or union, its chief
27 executive officer or equivalent, and the address and phone number of the principal place of business, and must
28 refer the public to the website of the commissioner of political practices for additional information on the

1 committee.

2 (2) Communications in a partisan election financed by a candidate or a political committee organized
3 on the candidate's behalf must state the candidate's party affiliation or include the party symbol.

4 (3) If a document or other article of advertising is too small for the requirements of subsections (1)
5 and (2) to be conveniently included, the candidate responsible for the material or the person financing the
6 communication shall file a copy of the article with the commissioner of political practices, together with the
7 required information or statement, at the time of its public distribution.

8 (4) If information required in subsections (1) and (2) is omitted or not printed or if the information
9 required by subsection (3) is not filed with the commissioner, upon discovery of or notification about the
10 omission, the candidate responsible for the material or the person financing the communication shall:

11 (a) file notification of the omission with the commissioner of political practices within 2 business days
12 of the discovery or notification;

13 (b) bring the material into compliance with subsections (1) and (2) or file the information required by
14 subsection (3) with the commissioner; and

15 (c) withdraw any noncompliant communication from circulation as soon as reasonably possible.

16 (5) Whenever the commissioner receives a complaint alleging any violation of subsections (1) and (2),
17 the commissioner shall as soon as practicable assess the merits of the complaint.

18 (6) (a) If the commissioner determines that the complaint has merit, the commissioner shall notify the
19 complainant and the candidate or political committee of the commissioner's determination. The notice must
20 state that the candidate or political committee shall bring the material into compliance as required under this
21 section:

22 (i) within 2 business days after receiving the notification if the notification occurs more than 7 days
23 prior to an election; or

24 (ii) within 24 hours after receiving the notification if the notification occurs 7 days or less prior to an
25 election.

26 (b) When notifying the candidate or campaign committee under subsection (6)(a), the commissioner
27 shall include a statement that if the candidate or political committee fails to bring the material into compliance
28 as required under this section, the candidate or political committee is subject to a civil penalty pursuant to 13-

1 37-128."

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3 **Section 2.** Section 13-37-201, MCA, is amended to read:

4 **"13-37-201. Campaign treasurer.** (1) Except as provided in 13-37-206, each candidate and each
5 political committee shall appoint one campaign treasurer and certify the full name and complete address of the
6 campaign treasurer pursuant to this section.

7 (2) ~~(a)~~—A candidate shall file the certification within 5 days after becoming a candidate.

8 ~~(b)(3)~~ (a) Except as provided in subsection ~~(2)(c)~~ (4), a political committee shall file the certification,
9 which must include an organizational statement and the name, ~~and address, and phone numbers~~ of all officers,
10 if any, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its
11 behalf, whichever occurs first.

12 (b) An organizational statement must include a summary of the purpose or purposes of the political
13 committee, including the outcome-outcomes it desires to effect.

14 ~~(c)(4)~~ A political committee that is seeking to place a ballot issue before the electors shall file the
15 certification, including the information required in subsection ~~(2)(b)~~ (3), within 5 days after the issue becomes a
16 ballot issue, as defined in 13-1-101(6)(b).

17 ~~(3)(5)~~ The certification of a candidate or political committee must be filed with the commissioner."
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19 **Section 3.** Section 13-37-204, MCA, is amended to read:

20 **"13-37-204. Removal of campaign and deputy campaign treasurers.** A candidate or political
21 committee may remove the candidate's or committee's campaign or deputy campaign treasurer. The removal of
22 any treasurer or deputy treasurer must immediately be reported to the officer with whom the name of the
23 campaign treasurer was originally filed. In case of death, resignation, or removal of the candidate's or
24 committee's campaign treasurer before compliance with any obligation of a campaign treasurer under this
25 chapter, the candidate or political committee shall appoint a successor and certify the name, ~~and address, and~~
26 phone number of the successor as specified in 13-37-201."

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28 NEW SECTION. **Section 4. Repealer.** The following section of the Montana Code Annotated is

1 repealed:

2 13-37-210. Naming and labeling of political committees.

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4 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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