

1 SENATE BILL NO. 224

2 INTRODUCED BY S. FITZPATRICK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS;
 5 INCREASING THE CAMPAIGN FINANCE DISCLOSURE MONETARY THRESHOLD; PROHIBITING THE
 6 COMMISSIONER OF POLITICAL PRACTICES FROM REQUESTING ADDITIONAL INFORMATION IN
 7 DISCLOSURE REPORTS; PROVIDING THAT A PERSON WHO HOSTS A FUNDRAISING RECEPTION OR
 8 OTHER POLITICAL EVENT ON THEIR PROPERTY IS NOT MAKING A CONTRIBUTION; REVISING
 9 REPORTING DEADLINES AND REQUIREMENTS; PROVIDING CERTAIN REPORTING EXCEPTIONS;
 10 REVISING INCIDENTAL COMMITTEE FILING REQUIREMENTS; PROVIDING THAT CERTAIN
 11 CANDIDATES MAY USE THE SAME ACCOUNT IN A CAMPAIGN DEPOSITORY FOR PRIMARY AND
 12 GENERAL ELECTIONS FUNDS UNDER CERTAIN CIRCUMSTANCES; INCREASING AGGREGATE
 13 CONTRIBUTION LIMITS BY A POLITICAL COMMITTEE, POLITICAL PARTY COMMITTEE, AND AN
 14 INDIVIDUAL TO A CANDIDATE; ~~INCREASING LIMITS ON TOTAL COMBINED MONETARY~~
 15 CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES TO CERTAIN CANDIDATES; DIRECTING THE
 16 AMENDMENT OF ARM 44.11.502; REPEALING NAMING AND LABELING PROVISIONS REGARDING
 17 POLITICAL COMMITTEES; ~~REPEALING AGGREGATE CONTRIBUTION LIMITS RECEIVED BY CERTAIN~~
 18 CANDIDATES; ~~REPEALING AGGREGATE CONTRIBUTION LIMITS RECEIVED BY CERTAIN~~
 19 CANDIDATES; REVISING DEFINITIONS; AMENDING SECTIONS 13-1-101, ~~13-37-205, 13-37-216, 13-37-~~
 20 248, ~~AND 13-37-226, 13-37-229, AND 13-37-232, MCA; AND REPEALING SECTIONS SECTION SECTIONS~~
 21 13-37-210 ~~AND 13-37-218, AND 13-37-218, MCA.~~"

22

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

24

25 **Section 1.** Section 13-1-101, MCA, is amended to read:

26 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
 27 following definitions apply:

28 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to

1 failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

2 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

3 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
4 is ordinarily not given away free but is purchased.

5 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of
6 state that is completed and signed by an elector, is submitted to the election administrator, and contains voter
7 registration information subject to verification as provided by law.

8 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as
9 an optical scan system or other technology that automatically tabulates votes cast by processing the paper
10 ballots.

11 (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
12 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,
13 recall question, school levy question, bond issue question, or ballot question.

14 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by
15 the proper official that the legal procedure necessary for its qualification and placement on the ballot has been
16 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
17 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

18 (7) "Ballot issue committee" means a political committee specifically organized to support or oppose a
19 ballot issue.

20 (8) "Candidate" means:

21 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
22 appointment as a candidate for public office as required by law;

23 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
24 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
25 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure
26 nomination or election to any office at any time, whether or not the office for which the individual will seek
27 nomination or election is known when the:

28 (i) solicitation is made;

1 (ii) contribution is received and retained; or

2 (iii) expenditure is made; or

3 (c) an officeholder who is the subject of a recall election.

4 (9) (a) "Contribution" means:

5 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit,
6 payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

7 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or
8 ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

9 (iii) the receipt by a political committee of funds transferred from another political committee; or

10 (iv) the payment by a person other than a candidate or political committee of compensation for the
11 personal services of another person that are rendered to a candidate or political committee.

12 (b) The term does not mean:

13 (i) services provided without compensation by individuals volunteering a portion or all of their time on
14 behalf of a candidate or political committee;

15 (ii) meals and lodging provided by individuals in their private residences for a candidate or other
16 individual; or

17 (iii) the use of a person's real property for a fundraising reception or other political event.

18 (c) This definition does not apply to Title 13, chapter 37, part 6.

19 (10) "Coordinated", including any variations of the term, means made in cooperation with, in
20 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an
21 agent of a candidate or political committee.

22 (11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not
23 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
24 enforcement as a campaign practices violation under Title 13, chapter 37.

25 (12) "Election" means a general, special, or primary election held pursuant to the requirements of state
26 law, regardless of the time or purpose.

27 (13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and
28 recorder or the individual designated by a county governing body to be responsible for all election

1 administration duties, except that with regard to school elections not administered by the county, the term
2 means the school district clerk.

3 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or
4 the individual designated by a county governing body to be responsible for all election administration duties
5 even if the school election is administered by the school district clerk.

6 (14) (a) "Election communication" means the following forms of communication to support or oppose a
7 candidate or ballot issue:

8 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

9 (ii) paid placement of content on the internet or other electronic communication network;

10 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

11 (iv) a mailing; or

12 (v) printed materials.

13 (b) The term does not mean:

14 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to
15 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

16 (ii) a communication that does not support or oppose a candidate or ballot issue;

17 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
19 circulation;

20 (iv) a communication by any membership organization or corporation to its members, stockholders, or
21 employees; or

22 (v) a communication that the commissioner determines by rule is not an election communication.

23 (15) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to
24 perform duties as specified by law.

25 (16) (a) "Electioneering communication" means a paid communication that is publicly distributed by
26 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other
27 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does
28 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the

1 district voting on the candidate or ballot issue, and that:

2 (i) refers to one or more clearly identified candidates in that election;

3 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
4 election; or

5 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

6 (b) The term does not mean:

7 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
8 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
9 circulation unless the facilities are owned or controlled by a candidate or political committee;

10 (ii) a communication by any membership organization or corporation to its members, stockholders, or
11 employees;

12 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the
13 candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

14 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate
15 debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

16 (v) a communication that the commissioner determines by rule is not an electioneering
17 communication.

18 (17) "Elector" means an individual qualified to vote under state law.

19 (18) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or
20 gift of money or anything of value:

21 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

22 (ii) used or intended for use in making independent expenditures or in producing electioneering
23 communications.

24 (b) The term does not mean:

25 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
26 (9);

27 (ii) payments by a candidate for personal travel expenses, food, clothing, lodging, or personal
28 necessities for the candidate and the candidate's family;

1 (iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities
2 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; ~~or~~

3 (iv) the cost of any communication by any membership organization or corporation to its members or
4 stockholders or employees; or

5 (v) the use of a person's real property for a fundraising reception or other political event.

6 (c) This definition does not apply to Title 13, chapter 37, part 6.

7 (19) "Federal election" means an election in even-numbered years in which an elector may vote for
8 individuals for the office of president of the United States or for the United States congress.

9 (20) "General election" means an election that is held for offices that first appear on a primary election
10 ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

11 (21) "Inactive elector" means an individual who failed to respond to confirmation notices and whose
12 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

13 (22) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

14 (23) (a) "Incidental committee" means a political committee that is not specifically organized or
15 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may
16 incidentally become a political committee by receiving a contribution or making an expenditure.

17 (b) For the purpose of this subsection (23), the primary purpose is determined by the commissioner
18 by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of
19 purpose or goal of the person or individuals that form the committee.

20 (24) "Independent committee" means a political committee organized for the primary purpose of
21 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate
22 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant
23 to the limits set forth in 13-37-216(1).

24 (25) "Independent expenditure" means an expenditure for an election communication to support or
25 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue
26 committee.

27 (26) "Individual" means a human being.

28 (27) "Legally registered elector" means an individual whose application for voter registration was

1 accepted, processed, and verified as provided by law.

2 (28) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
3 ballots to all active electors.

4 (29) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
5 including a political committee, club, union, or other organization or group of individuals or a candidate as
6 defined in subsection (8).

7 (30) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-
8 307 for a mail ballot election conducted under Title 13, chapter 19.

9 (31) (a) "Political committee" means a combination of two or more individuals or a person other than
10 an individual who receives a contribution or makes an expenditure:

11 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
12 petition for nomination;

13 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

14 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
15 independent expenditure.

16 (b) Political committees include ballot issue committees, incidental committees, independent
17 committees, and political party committees.

18 (c) A candidate and the candidate's treasurer do not constitute a political committee.

19 (d) A political committee is not formed when a combination of two or more individuals or a person
20 other than an individual makes an election communication, an electioneering communication, or an
21 independent expenditure of \$250 or less.

22 (32) "Political party committee" means a political committee formed by a political party organization
23 and includes all county and city central committees.

24 (33) "Political party organization" means a political organization that:

25 (a) was represented on the official ballot in either of the two most recent statewide general elections;

26 or

27 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

28 (34) "Political subdivision" means a county, consolidated municipal-county government, municipality,

1 special purpose district, or any other unit of government, except school districts, having authority to hold an
2 election.

3 (35) "Polling place election" means an election primarily conducted at polling places rather than by
4 mail under the provisions of Title 13, chapter 19.

5 (36) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate
6 candidates for offices filled at a general election.

7 (37) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
8 been verified as provided by law.

9 (38) "Provisionally registered elector" means an individual whose application for voter registration was
10 accepted but whose identity or eligibility has not yet been verified as provided by law.

11 (39) "Public office" means a state, county, municipal, school, or other district office that is filled by the
12 people at an election.

13 (40) "Random-sample audit" means an audit involving a manual count of ballots from designated races
14 and ballot issues in precincts selected through a random process as provided in 13-17-503.

15 (41) "Registrar" means the county election administrator and any regularly appointed deputy or
16 assistant election administrator.

17 (42) "Regular school election" means the school trustee election provided for in 20-20-105(1).

18 (43) "School election" has the meaning provided in 20-1-101.

19 (44) "School election filing officer" means the filing officer with whom the declarations for nomination
20 for school district office were filed or with whom the school ballot issue was filed.

21 (45) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
22 duties in school elections.

23 (46) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
24 designed to:

25 (a) allow election officials, upon examination of the outside of the envelope, to determine that the
26 ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

27 (b) allow it to be used in the United States mail.

28 (47) "Special election" means an election held on a day other than the day specified for a primary

1 election, general election, or regular school election.

2 (48) "Special purpose district" means an area with special boundaries created as authorized by law for
3 a specialized and limited purpose.

4 (49) "Statewide voter registration list" means the voter registration list established and maintained
5 pursuant to 13-2-107 and 13-2-108.

6 (50) "Support or oppose", including any variations of the term, means:

7 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
8 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
9 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
10 voters in an election; or

11 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
12 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the
13 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
14 passage or defeat of the ballot issue or other question submitted to the voters in an election.

15 (51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
16 13-15-206.

17 (52) "Voted ballot" means a ballot that is:

18 (a) deposited in the ballot box at a polling place;

19 (b) received at the election administrator's office; or

20 (c) returned to a place of deposit.

21 (53) "Voter interface device" means a voting system that:

22 (a) is accessible to electors with disabilities;

23 (b) communicates voting instructions and ballot information to a voter;

24 (c) allows the voter to select and vote for candidates and issues and to verify and change selections;

25 and

26 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
27 accuracy and that may be manually counted.

28 (54) "Voting system" or "system" means any machine, device, technology, or equipment used to

1 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
2

3 **SECTION 2. SECTION 13-37-205, MCA, IS AMENDED TO READ:**

4 **"13-37-205. Campaign depositories.** (1) Except as provided in 13-37-206, each candidate and each
5 political committee shall designate one primary campaign depository for the purpose of depositing all
6 contributions received and disbursing all expenditures made by the candidate or political committee.

7 (2) The candidate or political committee may also designate one secondary depository in each county
8 in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers
9 may make deposits in and expenditures from secondary depositories when authorized to do so as provided in
10 13-37-202(2).

11 (3) Only a bank, credit union, savings and loan association, or building and loan association
12 authorized to transact business in Montana may be designated as a campaign depository.

13 (4) The candidate or political committee shall file the name and address of each designated primary
14 and secondary depository at the same time and with the same officer with whom the candidate or committee
15 files the name of the candidate's or committee's campaign treasurer pursuant to 13-37-201.

16 (5) This section does not prevent a political committee or candidate from having more than one
17 campaign account in the same depository, but a candidate may not utilize the candidate's regular or personal
18 account in the depository as a campaign account.

19 (6) A candidate for the legislature may use the same account in a campaign depository for primary
20 election contributions received and general election contributions received and is not required to segregate the
21 funds if:

22 (a) the candidate maintains records concerning whether contributions received are designated for the
23 primary election or the general election; and

24 (b) the balance in the account that contains co-mingled primary election funds and general election
25 funds does not drop below the amount of general election contributions received until after the day of the
26 primary election."

27
28 **SECTION 3. SECTION 13-37-216, MCA, IS AMENDED TO READ:**

1 **"13-37-216. Limitations on contributions -- adjustment.** (1) (a) Subject to adjustment as provided
 2 for in subsection (3) and subject to 13-35-227 and 13-37-219, aggregate contributions for each election in a
 3 campaign by a political committee or by an individual, other than the candidate, to a candidate are limited as
 4 follows:

5 (i) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed ~~\$500~~
 6 ~~\$750~~ \$1,000;

7 (ii) for a candidate to be elected for state office in a statewide election, other than the candidates for
 8 governor and lieutenant governor, not to exceed ~~\$250~~ \$500 \$700;

9 (iii) for a candidate for any other public office, not to exceed ~~\$130~~ \$400.

10 (b) A contribution to a candidate includes contributions made to any political committee organized on
 11 the candidate's behalf. A political committee that is not independent of the candidate is considered to be
 12 organized on the candidate's behalf.

13 (2) All political committees except those of political party organizations are subject to the provisions of
 14 subsection (1). Political party organizations may form political committees that are subject to the following
 15 aggregate limitations, adjusted as provided for in subsection (3) and subject to 13-37-219, from all political party
 16 committees:

17 (a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed
 18 ~~\$18,000~~ \$27,000 \$100,000;

19 (b) for a candidate to be elected for state office in a statewide election, other than the candidates for
 20 governor and lieutenant governor, not to exceed ~~\$6,500~~ \$9,000 \$75,000;

21 (c) for a candidate for public service commissioner, not to exceed ~~\$2,600~~ \$4,000 \$15,000;

22 (d) for a candidate for the state senate, not to exceed ~~\$1,050~~ \$2,000 \$3,000;

23 (e) for a candidate for any other public office, not to exceed ~~\$650~~ \$1,500 \$2,000.

24 (3) (a) The commissioner shall adjust the limitations in subsections (1) and (2) by multiplying each
 25 limit by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to
 26 the year in which a general election is held by the consumer price index for June ~~2002~~ 2021.

27 (b) The resulting figure must be rounded up or down to the nearest:

28 (i) \$10 increment for the limits established in subsection (1); and

1 (ii) \$50 increment for the limits established in subsection (2).

2 (c) The commissioner shall publish the revised limitations as a rule.

3 (4) A candidate may not accept any contributions, including in-kind contributions, in excess of the
4 limits in this section.

5 (5) For purposes of this section, "election" means the general election or a primary election that
6 involves two or more candidates for the same nomination. If there is not a contested primary, there is only one
7 election to which the contribution limits apply. If there is a contested primary, then there are two elections to
8 which the contribution limits apply."

9

10 **SECTION 4. SECTION 13-37-218, MCA, IS AMENDED TO READ:**

11 ~~"13-37-218. Limitations on receipts from political committees. A candidate for the state senate~~
12 ~~may receive no more than \$2,150 \$9,000 in total combined monetary contributions from all political committees~~
13 ~~contributing to the candidate's campaign, and a candidate for the state house of representatives may receive no~~
14 ~~more than \$1,300 \$5,000 in total combined monetary contributions from all political committees contributing to~~
15 ~~the candidate's campaign. The limitations in this section must be multiplied by an inflation factor, which is~~
16 ~~determined by dividing the consumer price index for June of the year prior to the year in which a general~~
17 ~~election is held by the consumer price index for June 2003 2021. The resulting figure must be rounded up or~~
18 ~~down to the nearest \$50 increment. The commissioner shall publish the revised limitations as a rule. In-kind~~
19 ~~contributions must be included in computing these limitation totals. The limitation provided in this section does~~
20 ~~not apply to contributions made by a political party eligible for a primary election under 13-10-601."~~

21

22 **Section 4. SECTION 13-37-226, MCA, IS AMENDED TO READ:**

23 **"13-37-226. Time for filing reports.** (1) Except as provided in 13-37-206 and 13-37-225(3), a
24 candidate shall file reports required by 13-37-225(1)(a) containing the information required by 13-37-229, 13-
25 37-231, and 13-37-232 as follows:

26 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
27 which funds are received or expended during the year or years prior to the election year that the candidate
28 expects to be on the ballot and ending in the final quarter of the year preceding the year of an election in which

1 the candidate participates;

2 (b) the 20th day of March, April, May, June, August, September, October, and November in the year
3 of an election in which the candidate participates;

4 (c) within 2 business days of receiving a contribution of ~~\$400~~ \$250 or more if the candidate is a
5 candidate for a statewide office or \$125 or more for any other candidate if the contribution is received between
6 the 15th day of the month preceding an election in which the candidate participates and the day ~~of~~ before the
7 election;

8 (d) within 2 business days of making an expenditure of ~~\$400~~ \$250 or more if the candidate is a
9 candidate for statewide office or \$125 or more for any other candidate if made between the 15th day of the
10 month preceding an election in which the candidate participates and the day ~~of~~ before the election;

11 (e) semiannually on the 10th day of March and September, starting in the year following an election in
12 which the candidate participates until the candidate files a closing report as specified in 13-37-228(3); and

13 (f) as provided by subsection (3).

14 (2) Except as provided in 13-37-206, 13-37-225(3), and 13-37-227, a political committee shall file
15 reports required by 13-35-225(1)(a) containing the information required by 13-37-229, 13-37-231, and 13-37-
16 232 as follows:

17 (a) quarterly, due on the 5th day following a calendar quarter, beginning with the calendar quarter in
18 which the political committee receives a contribution or makes an expenditure after an individual becomes a
19 candidate or an issue becomes a ballot issue, as defined in 13-1-101(6)(b), and ending in the final quarter of
20 the year preceding the year in which the candidate or the ballot issue appears on the ballot;

21 (b) the 30th day of March, April, May, June, August, September, October, and November in the year
22 of an election in which the political committee participates;

23 (c) within 2 business days of receiving a contribution, except as provided in 13-37-232, of \$500 or
24 more if received between the 25th day of the month before an election in which the political committee
25 participates and the day ~~of~~ before the election; and

26 (d) within 2 business days of making an expenditure of \$500 or more that is made between the 25th
27 day of the month before an election in which the political committee participates and the day ~~of~~ before the
28 election;

1 (e) quarterly, due on the 5th day following a calendar quarter, beginning in the calendar quarter
2 following a year of an election in which the political committee participates until the political committee files a
3 closing report as specified in 13-37-228(3); and

4 (f) as provided by subsection (3).

5 (3) In addition to the reports required by subsections (1) and (2), if a candidate or a political
6 committee participates in a special election, the candidate or political committee shall file reports as follows:

7 (a) a report on the 60th, 35th, and 12th days preceding the date of the special election; and

8 (b) 20 days after the special election.

9 (4) Except as provided by 13-37-206, candidates for a local office and political committees that
10 receive contributions or make expenditures referencing a particular local issue or a local candidate shall file the
11 reports specified in subsections (1) through (3) only if the total amount of contributions received or the total
12 amount of funds expended for all elections in a campaign exceeds \$500.

13 (5) A report required by this section must cover contributions received and expenditures made
14 pursuant to the time periods specified in 13-37-228.

15 (6) A political committee may file a closing report prior to the date in 13-37-228(3) and after the
16 complete termination of its contribution and expenditure activity during an election cycle.

17 (7) For the purposes of this section:

18 (a) a candidate participates in an election by attempting to secure nomination or election to an office
19 that appears on the ballot; and

20 (b) a political committee participates in an election by receiving a contribution or making an
21 expenditure."

22

23 **Section 5.** Section 13-37-229, MCA, is amended to read:

24 **"13-37-229. Disclosure requirements for candidates, ballot issue committees, political party**
25 **committees, and independent committees.** (1) The reports required under 13-37-225 through 13-37-227
26 from candidates, ballot issue committees, political party committees, and independent committees must
27 disclose the following information concerning contributions received:

28 (a) the amount of cash on hand at the beginning of the reporting period;

1 (b) the full name, mailing address, occupation, and employer, if any, of each person who has made
 2 aggregate contributions, other than loans, of ~~\$35~~ \$50 or more to a candidate or political committee, including
 3 the purchase of tickets and other items for events, such as dinners, luncheons, rallies, and similar fundraising
 4 events;

5 (c) for each person identified under subsection (1)(b), the aggregate amount of contributions made by
 6 that person within the reporting period and the total amount of contributions made by that person for all
 7 reporting periods;

8 (d) the total sum of individual contributions made to or for a political committee or candidate and not
 9 reported under subsections (1)(b) and (1)(c);

10 (e) the name and address of each political committee or candidate from which the reporting
 11 committee or candidate received any transfer of funds, together with the amount and dates of all transfers;

12 (f) each loan from any person during the reporting period, together with the full names, mailing
 13 addresses, occupations, and employers, if any, of the lender and endorsers, if any, and the date and amount of
 14 each loan;

15 (g) the amount and nature of debts and obligations owed to a political committee or candidate, in the
 16 form prescribed by the commissioner;

17 (h) an itemized account of proceeds that total less than ~~\$35~~ \$50 from a person from mass collections
 18 made at fundraising events;

19 (i) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (1)(b)
 20 through (1)(h) during the reporting period; and

21 (j) the total sum of all receipts received by or for the committee or candidate during the reporting
 22 period; ~~and~~

23 ~~(k) other information that may be required by the commissioner to fully disclose the sources of funds
 24 used to support or oppose candidates or issues.~~

25 (2) (a) Except as provided in subsection (2)(c), the reports required under 13-37-225 through 13-37-
 26 227 from candidates, ballot issue committees, political party committees, and independent committees must
 27 disclose the following information concerning expenditures made:

28 (i) the full name, mailing address, occupation, and principal place of business, if any, of each person

1 to whom expenditures have been made by the committee or candidate during the reporting period, including the
 2 amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

3 (ii) the full name, mailing address, occupation, and principal place of business, if any, of each person
 4 to whom an expenditure for personal services, salaries, and reimbursed expenses has been made, including
 5 the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

6 (iii) the total sum of expenditures made by a political committee or candidate during the reporting
 7 period;

8 (iv) the name and address of each political committee or candidate to which the reporting committee or
 9 candidate made any transfer of funds, together with the amount and dates of all transfers;

10 (v) the name of any person to whom a loan was made during the reporting period, including the full
 11 name, mailing address, occupation, and principal place of business, if any, of that person and the full names,
 12 mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date
 13 and amount of each loan; and

14 (vi) the amount and nature of debts and obligations owed by a political committee or candidate in the
 15 form prescribed by the commissioner; ~~and~~

16 ~~(vii) other information that may be required by the commissioner to fully disclose the disposition of~~
 17 ~~funds used to support or oppose candidates or issues.~~

18 (b) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person
 19 that performs services for or on behalf of a candidate or political committee must be itemized and described in
 20 sufficient detail to disclose the specific services performed by the entity to which payment or reimbursement
 21 was made.

22 (c) A candidate is required to report the information specified in this subsection (2) only if the
 23 transactions involved were undertaken for the purpose of supporting or opposing a candidate.

24 (3) (A) NEITHER A CANDIDATE NOR A POLITICAL COMMITTEE IS REQUIRED TO REPORT THE FOLLOWING
 25 EXPENDITURES UNDER THE 2-BUSINESS-DAY REPORTING REQUIREMENTS IN 13-37-226(1)(D) AND 13-37-226(2)(D):

26 (I) BOOKKEEPING EXPENSES PAID TO TRACK AND ENSURE CAMPAIGN FINANCE COMPLIANCE; AND

27 (II) PAYROLL EXPENDITURES.

28 (B) A CANDIDATE AND A POLITICAL COMMITTEE IS NOT RELIEVED OF THE DUTY TO REPORT THE EXPENDITURES

1 LISTED IN SUBSECTION (3)(A) IN THE NEXT PERIODIC REPORT.

2 (4) A CANDIDATE IS NOT REQUIRED TO REPORT:

3 (A) CONTRIBUTIONS RECEIVED FROM A POLITICAL PARTY COMMITTEE FOR COMPENSATION OF THE PERSONAL
 4 SERVICES OF ANOTHER PERSON THAT ARE RENDERED TO THE CANDIDATE IF THE POLITICAL PARTY COMMITTEE REPORTS
 5 THE AMOUNT OF CONTRIBUTIONS MADE TO THE CANDIDATE IN THE FORM OF PERSONAL SERVICES; AND

6 (B) TANGIBLE CAMPAIGN MATERIALS SUCH AS CAMPAIGN SIGNAGE, LITERATURE, OR PHOTOGRAPHS
 7 PRODUCED FOR A PREVIOUS CAMPAIGN OR VIDEO PRODUCED FOR A PREVIOUS CAMPAIGN IF THE EXPENDITURES TO
 8 PRODUCE THE TANGIBLE MATERIALS OR VIDEO WERE REPORTED IN A PREVIOUS CAMPAIGN BY THE CANDIDATE."

9

10 **Section 6.** SECTION 13-37-232, MCA, IS AMENDED TO READ:

11 **"13-37-232. Disclosure requirements for incidental committees.** (1) A combination of two or more
 12 individuals or a person other than an individual that would otherwise qualify as an incidental committee but that
 13 receives less than \$250 in contributions or that makes less than \$250 in expenditures does not form a political
 14 committee and is not required to file as an incidental committee.

15 (2) The reports required under 13-37-225 through 13-37-227 from incidental committees must
 16 disclose the following information concerning contributions to the committee that are designated by the
 17 contributor for a specified candidate, ballot issue, or petition for nomination or that are made by the contributor
 18 in response to an appeal by the incidental committee for contributions to support incidental committee election
 19 activity, including in-kind expenditures, independent expenditures, election communications, or electioneering
 20 communications:

21 (a) the full name, mailing address, occupation, and employer, if any, of each person who has made
 22 aggregate contributions during the reporting period for a specified candidate, ballot issue, or petition for
 23 nomination of \$35 or more;

24 (b) for each person identified under subsection ~~(1)(a)~~ (2)(a), the aggregate amount of contributions
 25 made by that person for all reporting periods;

26 (c) each loan received from any person during the reporting period for a specified candidate, ballot
 27 issue, or petition for nomination, together with the full names, mailing addresses, occupations, and employers, if
 28 any, of the lender and endorsers, if any, and the date and amount of each loan;

1 (d) the amount and nature of debts and obligations owed to an incidental committee for a specified
2 candidate, ballot issue, or petition for nomination in the form prescribed by the commissioner;

3 (e) an account of proceeds that total less than \$35 per person from mass collections made at
4 fundraising events sponsored by the incidental committee for a specified candidate, ballot issue, or petition for
5 nomination; and

6 (f) the total sum of all contributions received by or designated for the incidental committee for a
7 specified candidate, ballot issue, or petition for nomination during the reporting period.

8 ~~(2)~~(3) The reports required under 13-37-225 through 13-37-227 from incidental committees must
9 disclose the following information concerning expenditures made:

10 (a) the full name, mailing address, occupation, and principal place of business, if any, of each person
11 to whom expenditures have been made during the reporting period, including the amount, date, and purpose of
12 each expenditure and the total amount of expenditures made to each person;

13 (b) the full name, mailing address, occupation, and principal place of business, if any, of each person
14 to whom an expenditure for personal services, salaries, and reimbursed expenses has been made during the
15 reporting period, including the amount, date, and purpose of that expenditure and the total amount of
16 expenditures made to each person;

17 (c) the total sum of expenditures made during the reporting period;

18 (d) the name and address of each political committee or candidate to which the reporting committee
19 made any transfer of funds together with the amount and dates of all transfers;

20 (e) the name of any person to whom a loan was made during the reporting period, including the full
21 name, mailing address, occupation, and principal place of business, if any, of that person, and the full names,
22 mailing addresses, occupations, and principal places of business, if any, of the endorsers, if any, and the date
23 and amount of each loan;

24 (f) the amount and nature of debts and obligations owed by a political committee in the form
25 prescribed by the commissioner; and

26 (g) other information that may be required by the commissioner to fully disclose the disposition of
27 funds used to make expenditures.

28 ~~(3)~~(4) Reports of expenditures made to a consultant, advertising agency, polling firm, or other person

1 that performs services for or on behalf of an incidental committee must be itemized and described in sufficient
 2 detail to disclose the specific services performed by the entity to which payment or reimbursement was made.

3 ~~(4)(5)~~ An incidental committee that does not receive contributions for a specified candidate, ballot
 4 issue, or petition for nomination and that does not solicit contributions for incidental committee election activity,
 5 including in-kind expenditures, independent expenditures, election communications, or electioneering
 6 communications, is required to report only its expenditures."

7
 8 NEW SECTION. Section 7. THE COMMISSIONER OF POLITICAL PRACTICES SHALL AMEND ARM 44.11.502 TO

9 READ:

10 "44.11.502 EXPENDITURES, REPORTING (1) A campaign expense paid personally by an individual
 11 in his or her own campaign is always coordinated with, and is a campaign expense of, the campaign that must
 12 be reported and disclosed as an expense by the campaign in the same manner as an expense paid through the
 13 campaign depository account.

14 (2) An obligation to pay for a campaign expenditure is incurred on the date the obligation is made, and
 15 shall be reported as a debt of the campaign until the campaign pays the obligation by making an expenditure.

16 (3) An expenditure is made on the date payment is made, or in the case of an in-kind expenditure, on
 17 the date the consideration is given.

18 (4) The date of each expenditure shall be reported in the reporting period during which it is made.

19 (5) Expenditures made from the petty cash fund need not be reported, except that an accounting shall
 20 be maintained pursuant to ARM 44.11.409.

21 (6) All expenditures must be supported by a contemporaneous written agreement, invoice, billing
 22 statement, or similar documentation appropriate to the transaction that describes the services provided, the
 23 billing period identifying the specific dates on which services were provided, an itemized basis for the payments
 24 made, and other pertinent information.

25 ~~(7) For purposes of the disclosure requirements of 13-37-229 and 13-37-232, MCA, the "purpose" of~~
 26 ~~each expenditure as reported on the commissioner's campaign finance reporting forms shall specifically~~
 27 ~~describe the purpose, quantity, subject matter, as appropriate to each expenditure, and must be detailed~~
 28 ~~enough to distinguish among expenditures for similar purposes. For example, two expenditures for direct mail~~

1 advertisements should not both be reported as "Flyers."

2 ~~(8)~~(7) Reporting independent expenditures:

3 (a) shall be reported in accordance with the procedures for reporting other expenditures;

4 (b) a person making an independent expenditure shall report the name of the candidate or committee
5 the independent expenditure was intended to benefit, and the fact that the expenditure was independent; and

6 (c) the candidate or political committee benefiting from the independent expenditure does not have to
7 report the expenditure.

8 ~~(9)~~(8) For the purposes of 13-37-226, MCA:

9 (a) the reports required to be filed within two business days shall be filed electronically, pursuant to
10 ARM 44.11.302; and

11 (b) all expenditures and contributions reported under (a) shall also be included on the post-election
12 report."

13
14 NEW SECTION. Section 8. Repealer. The following ~~sections~~ ~~SECTION~~ ~~SECTIONS~~ of the Montana Code
15 Annotated ~~are~~ ~~is~~ ARE repealed:

16 13-37-210. Naming and labeling of political committees.

17 13-37-218. LIMITATIONS ON RECEIPTS FROM POLITICAL COMMITTEES.

18 ~~13-37-218. Limitations on receipts from political committees.~~

19 - END -