

1 SENATE BILL NO. 355

2 INTRODUCED BY B. MOLNAR

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DISQUALIFICATION OF CERTAIN JUDGES  
5 RECEIVING POLITICAL CONTRIBUTIONS; PROVIDING DEFINITIONS; ALLOWING A PERSON TO FILE A  
6 COMPLAINT WITH THE JUDICIAL STANDARDS COMMISSION, THE COMMISSIONER OF POLITICAL  
7 PRACTICES, OR A DISTRICT COURT; AMENDING SECTIONS 2-2-136 AND 3-1-1105, MCA; AND  
8 REPEALING SECTION 3-1-609, MCA."

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

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12 NEW SECTION. **Section 1. Disqualification of judge receiving political contribution -- definition**

13 -- **penalties.** (1) A judge may not sit or act in a proceeding if:

14 (a) (i) the judge has received a contribution in excess of the amount established in 13-37-216 from  
15 a party to the proceeding, a party's attorney, or the attorney's law firm; and

16 (ii) the contribution from the entity described in subsection (1)(a)(i) was received in support of the  
17 judge's most recent election or in anticipation of an upcoming election;

18 (b) a party to the proceeding, a party's attorney, or the attorney's law firm contributed to an  
19 independent committee, incidental committee, or a third-party organization that made an independent  
20 expenditure to support the judge's election; or

21 (c) a party, a party's attorney, or the attorney's law firm contributed to an organization that gave  
22 financial support, in-kind contributions, or made endorsements related to the judge's election.

23 (2) A party, a party's attorney, or the attorney's law firm who knows or should have known of the  
24 activities listed in subsection (1) shall disclose this information to the judge.

25 (3) A judge who is required to be disqualified as provided in subsection (1) shall disclose any  
26 contribution that was the basis for the judge's disqualification. The disclosure must be made in a legal notice  
27 and on the record.

28 (4) A person alleging a violation of this section may file a complaint with:

1 disciplinary action against an employee for a violation of this part, regardless of whether the commissioner  
2 makes a recommendation for discipline.

3 (d) The commissioner may assess the costs of the proceeding against the person bringing the  
4 charges if the commissioner determines that a violation did not occur or against the officer or employee if the  
5 commissioner determines that a violation did occur.

6 (4) A party may seek judicial review of the commissioner's decision, as provided in Title 2, chapter  
7 4, part 7, after a hearing, a dismissal, or a summary decision issued pursuant to this section.

8 (5) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this  
9 part."

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11 **Section 3.** Section 3-1-1105, MCA, is amended to read:

12 **"3-1-1105. Confidential proceedings -- rules for commission.** (1) Except as provided in [section  
13 1(5)], 3-1-1107, and 3-1-1121 through 3-1-1126, all papers filed with and proceedings before the commission or  
14 masters are confidential and the filing of papers with and the testimony given before the commission or masters  
15 is privileged communication.

16 (2) The commission shall make rules for the conduct of its affairs and the enforcement of  
17 confidentiality consistent with this part."

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19 NEW SECTION. **Section 4. Repealer.** The following section of the Montana Code Annotated is  
20 repealed:

21 3-1-609. Judicial conflict of interest -- recusal -- definition.

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23 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 3, chapter 1, part 6, and the provisions of Title 3, chapter 1, part 6, apply to [section 1].

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26 COORDINATION SECTION. **Section 6. Coordination instruction.** If both Senate Bill No. 201 and  
27 [this act] are passed and approved, then [this act] is void.

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