

HOUSE BILL NO. 493

INTRODUCED BY J. DOOLING, J. CARLSON

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CONSTITUENT SERVICES ACCOUNT LAWS; CHANGING THE ACCOUNT NAME TO "CONTINUING SERVICE ACCOUNT"; AMENDING SECTIONS 13-37-240 AND 13-37-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 13-37-240, MCA, is amended to read:

"13-37-240. Surplus campaign funds. (1) A candidate shall dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit. A successful candidate for a statewide elected or legislative office or for public service commissioner may establish a ~~constituent services account~~ continuing service account as provided in 13-37-402. The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family."

Section 2. Section 13-37-402, MCA, is amended to read:

"13-37-402. ~~Constituent~~ Continuing service accounts -- reports. (1) A ~~constituent services account~~ continuing service account may be established to pay for constituent services by a successful candidate required to report under 13-37-229. A ~~constituent services account~~ continuing service account may be established by filing an appropriate form with the commissioner.

(2) (a) A successful candidate may deposit only surplus campaign funds in a ~~constituent services account~~ continuing service account.

(b) Any loans owed must be paid back, not forgiven, before a continuing service account may be



1 created and funded.

2 (b)(c) The money in the account may be used only for constituent services. The money in the account
3 may not be used for personal benefit. Expenditures from a ~~constituent services~~ continuing service account may
4 not be made when the holder of the ~~constituent services~~ continuing service account also has an open campaign
5 account.

6 (3) A person described in subsection (1) may not establish any account related to the public
7 official's office other than a ~~constituent services account~~ continuing service account. This subsection does not
8 prohibit a person from establishing a campaign account.

9 (4) The holder of a ~~constituent services account~~ continuing service account shall file a quarterly
10 report with the commissioner, by a date established by the commissioner by rule. The report must disclose the
11 source of all money deposited in the account and enumerate expenditures from the account. The report must
12 include the same information as required for a candidate required to report under 13-37-229. The report must
13 be certified as provided in 13-37-231.

14 (5) The holder of a ~~constituent services account~~ continuing service account shall close the account
15 within 120 days after the account holder leaves public office."

16

17 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

18

- END -