

CAMPAIGN FINANCE – ENFORCEMENT & PENALTIES PERTAINING TO CANDIDATES

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: The Commissioner of Political Practices is appointed by the governor and subject to confirmation by the Senate. The commissioner has statutory authority to investigate and prosecute campaign finance reporting and practices allegations, as well as certain election complaints. The commissioner also has duties related to ethics laws for public official and employees and lobbyist registration. The qualifications and duties of the commissioner are set out in [Title 13, chapter 37, part 1, MCA](#).

Legislative Services Division Materials:

[Study Resources Page](#) for the 2013-2014 House Joint Resolution No. 1 study commissioner of political practices office [Political Practices, Elections, & Emerging Issues: A Report to the 64th Legislature](#)

Other Materials:

[Commissioner of Political Practices webpage](#)
[NCSL 50-state Campaign Finance Enforcement Information](#)

Introduced Legislation

2019

[House Bill 605](#) -- (H) Died in Process -- AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; REQUIRING NOTIFICATION OF THE CANDIDATE UNDER CERTAIN CIRCUMSTANCES; LIMITING THE

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COMMISSIONER'S INVESTIGATION POWER UNDER CERTAIN CIRCUMSTANCES; MODIFYING REPORTING REQUIREMENTS FOR CERTAIN PERSONS; AND AMENDING SECTIONS 13-37-111, 13-37-121, 13-37-123, 13-37-124, AND 13-37-229, MCA

[House Bill 721](#) -- (S) Died in Standing Committee -- AN ACT REVISING FAIR NOTICE TO A CANDIDATE OF CAMPAIGN ADVERTISING MATERIAL MENTIONING THE CANDIDATE; REVISING THE TIME PERIOD WITHIN WHICH THE MATERIAL MUST BE PROVIDED TO THE CANDIDATE; PROVIDING THAT CERTAIN MATERIAL MENTIONING A CANDIDATE'S VOTING RECORD MUST BE FILED WITH THE COMMISSIONER OF POLITICAL PRACTICES AND MADE PUBLICLY AVAILABLE; PROVIDING FOR A PRIVATE RIGHT OF ACTION FOR A MISREPRESENTATION OF A CANDIDATE'S VOTING RECORD; AND AMENDING SECTIONS 13-35-402, 13-35-403, AND 13-37-131, MCA

[Senate Bill 326](#) – Chapter Number Assigned -- AN ACT BANNING CERTAIN CAMPAIGN CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS; PROVIDING PENALTIES; AMENDING SECTION 13-37-128, MCA; AND PROVIDING AN APPLICABILITY DATE.

[Senate Bill 357](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; BANNING CERTAIN CAMPAIGN CONTRIBUTIONS, EXPENDITURES, DONATIONS, DISBURSEMENTS, AND PROMISES BY FOREIGN NATIONALS; BANNING THE SOLICITATION OR RECEIPT OF CERTAIN FUNDS; REQUIRING ANNUAL CERTIFICATIONS BY CERTAIN NONPROFIT CORPORATIONS; PROVIDING THE ATTORNEY GENERAL, THE COMMISSIONER OF POLITICAL PRACTICES, AND COUNTY ATTORNEYS WITH THE AUTHORITY TO INVESTIGATE AND PROSECUTE CERTAIN MATTERS; PROVIDING DEFINITIONS; PROVIDING PENALTIES; AMENDING SECTION 13-37-128, MCA; AND PROVIDING AN APPLICABILITY DATE

2017

[House Bill 560](#) -- (H) Died in Standing Committee -- AN ACT REQUIRING DISCLOSURE OF TAX RETURNS FOR CERTAIN CANDIDATES; PROVIDING FOR PUBLIC DISCLOSURE OF THE TAX RETURNS; PROHIBITING A CANDIDATE WHO FAILS TO PROVIDE THE RETURNS FROM HAVING THE CANDIDATE'S NAME LISTED ON A PRIMARY OR GENERAL ELECTION BALLOT; REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES TO ADOPT RULES TO DETERMINE WHAT INFORMATION ON A RETURN MUST BE REDACTED BEFORE PUBLIC DISCLOSURE; AND AMENDING SECTIONS 13-25-101 AND 13-37-126, MCA

[Senate Bill No. 368](#) -- (S) Vetoed by Governor -- AN ACT GENERALLY REVISING CAMPAIGN PRACTICES LAWS; REVISING THE DEFINITION OF "EXPENDITURE"; INCREASING FILING FEES FOR LEGISLATIVE CANDIDATES; REVISING PROCEDURES USED BY THE COMMISSIONER TO ISSUE ORDERS OF NONCOMPLIANCE; REVISING LAWS RELATED TO INVESTIGATION OF CAMPAIGN PRACTICES AND ELECTION-RELATED COMPLAINTS; CREATING AN APPEAL PROCEDURE FOR A CANDIDATE, POLITICAL COMMITTEE, OR RESPONDENT TO APPEAL CERTAIN COMPLAINTS OR PRELIMINARY ORDERS OF NONCOMPLIANCE THAT ARE FILED OR ISSUED DURING CERTAIN TIME PERIODS; REVISING LIMITATIONS ON CAMPAIGN CONTRIBUTIONS; PROVIDING THAT THE COMMISSIONER MAY NOT INITIATE A CRIMINAL ACTION AGAINST A CANDIDATE FOR CERTAIN VIOLATIONS; REVISING THE AGGREGATE CONTRIBUTION AMOUNT THAT TRIGGERS DISCLOSURE OF CERTAIN

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CONTRIBUTOR INFORMATION; AND AMENDING SECTIONS 13-1-101, 13-10-202, 13-37-113, 13-37-115, 13-37-121, 13-37-124, 13-37-128, 13-37-206, 13-37-216, 13-37-218, 13-37-229, AND 13-37-232, MCA.

2015

[House Bill No. 623](#) -- (H) Missed Deadline for Appropriation Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE OFFICE OF POLITICAL PRACTICES; CREATING A CAMPAIGN PRACTICES AND ETHICS REVIEW BOARD; PRESCRIBING THE DUTIES OF THE BOARD; ESTABLISHING A PRIVATE RIGHT OF ACTION AGAINST A PERSON ALLEGED TO HAVE VIOLATED ETHICS OR CAMPAIGN PRACTICES LAWS; AMENDING SECTIONS 2-2-136, 13-37-101, 13-37-111, 13-37-121, 13-37-124, AND 13-37-128, MCA; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

2013

[House Bill 491](#) -- (H) Died in Standing Committee -- AN ACT RESTRICTING AN INDIVIDUAL OR CANDIDATE FOUND LIABLE FOR VIOLATING CERTAIN CAMPAIGN AND ELECTION LAWS FROM RAISING FUNDS OR USING A CAMPAIGN ACCOUNT TO PAY ANY FINES; AND AMENDING SECTION 13-37-129, MCA

[Senate Bill No. 387](#) -- (H) Died in Process -- AN ACT GENERALLY REVISING PROVISIONS RELATED TO THE ENFORCEMENT OF CAMPAIGN PRACTICES LAWS; REQUIRING THE POLITICAL PRACTICES COMMISSION TO CONDUCT ADMINISTRATIVE CONTESTED CASE HEARINGS CONCERNING CAMPAIGN PRACTICE VIOLATIONS; REVISING THE COMMISSIONER OF POLITICAL PRACTICES'S AUTHORITY, DUTIES, APPOINTMENT, TERM OF OFFICE, SALARY DETERMINATION, AND QUALIFICATIONS; CONFORMING PROVISIONS ON CORPORATE CONTRIBUTIONS TO CASE LAW; PROVIDING NOTIFICATION REQUIREMENTS; REVISING PENALTIES; PROVIDING THAT COUNTY ATTORNEYS MAY PROSECUTE ONLY CRIMINAL VIOLATIONS OF CAMPAIGN PRACTICE LAWS; REQUIRING THAT AN ALLEGED CRIMINAL VIOLATION BY A COUNTY ATTORNEY BE REFERRED TO THE ATTORNEY GENERAL; CLARIFYING THE STANDING REQUIREMENT FOR THE FILING OF ETHICS COMPLAINTS; AMENDING SECTIONS 2-2-136, 13-35-226, 13-35-227, 13-35-403, 13-37-101, 13-37-102, 13-37-103, 13-37-104, 13-37-106, 13-37-107, 13-37-111, 13-37-113, 13-37-121, 13-37-124, 13-37-130, 13-37-131, AND 13-37-210, MCA; REPEALING SECTIONS 13-37-122, 13-37-128, AND 13-37-129, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 392](#) -- Chapter Number Assigned -- AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LAWS PERTAINING TO ANONYMOUS ELECTION MATERIAL; AMENDING SECTION 13-35-225, MCA; AND PROVIDING AN APPLICABILITY DATE.

2011

[House Bill 556](#) – (H) Died in Standing Committee – AN ACT REVISING LAWS RELATING TO THE ENFORCEMENT OF ETHICS AND CAMPAIGN PRACTICES LAWS BY THE COMMISSIONER OF POLITICAL PRACTICES; CREATING THE ETHICS AND ELECTION CAMPAIGN PRACTICES VIOLATIONS REVIEW BOARD AND PRESCRIBING THE DUTIES OF THE BOARD; ESTABLISHING A PRIVATE RIGHT OF ACTION AGAINST A PERSON ALLEGED TO HAVE VIOLATED ETHICS OR

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CAMPAIGN PRACTICES LAWS; AMENDING SECTIONS 2-2-136, 13-37-101, 13-37-111, 13-37-115, AND 13-37-121, MCA; AND PROVIDING AN APPLICABILITY DATE

[Senate Bill No. 397](#) -- (H) Died in Standing Committee -- AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LAWS PERTAINING TO ANONYMOUS ELECTION MATERIAL; PROVIDING NEW CIVIL PENALTIES; PROVIDING A HEARING PROCESS; PROVIDING FOR THE COLLECTION AND DISPOSITION OF PENALTIES; AND AMENDING SECTION 13-35-225, MCA.

2009

[House Bill No. 398](#) -- (H) Died in Standing Committee -- AN ACT INCREASING THE AUTHORITY OF THE COMMISSIONER OF POLITICAL PRACTICES TO ENFORCE LOBBYING, CAMPAIGN PRACTICES, AND CAMPAIGN FINANCE LAWS ADMINISTERED BY THE COMMISSIONER OF POLITICAL PRACTICES; PROVIDING NEW CIVIL PENALTIES; PROVIDING A HEARING PROCESS; PROVIDING FOR THE COLLECTION AND DISPOSITION OF PENALTIES; AND AMENDING SECTIONS 13-35-225 AND 13-37-226, MCA.