



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** September 12, 2017

**RE:** Legislative Administrative Rule Review Report

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Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 44-2-229

**AGENCY/BOARD:** Commissioner of Political Practices

**RULE CLASSIFICATION:** (e.g. substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Campaign Finance Report, Disclosure, and Practices

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice): Notice of Proposed Amendment

**SUMMARY OF RULE(S):**

The Commissioner of Political Practices proposes to amend four rules concerning campaign finance reporting, disclosure, and practices.

The Commissioner proposes to update the amount a candidate can receive in aggregate contributions from all political committees (except political party committees). By statute, the Commissioner is required to adjust the amount by a statutory inflation formula and publish the revised amount in rule. The limits for a candidate for the House were revised from \$1,700 to \$1,750 and for a Senate candidate from \$2,800 to \$2,850 for the 2018 election cycle.

The Commissioner proposes to update the amount of the limits on total combined contributions by a political committee (other than a political party committee) or by an individual to a candidate. By statute, the Commissioner is also required to adjust these amounts for inflation and to publish the revised amount by rule. The limits for aggregate contributions are proposed to be revised as follows: joint filing for the governor/lieutenant governor from \$660 to \$680; for other statewide office from \$330 to \$340; and for all other public offices from \$170 to \$180. These limits were challenged in *Lair v. Motl* and were overturned. Although they are not currently in effect, the case is under review by the Ninth Circuit. In the event that the Ninth Circuit overturns the District Court, these contribution limits would come into effect.

The rule also revised the aggregate contribution limit from political party committees to candidates as follows: governor/lieutenant governor from \$23,850 to \$24,500, other statewide offices from \$8,600 to \$8,850, PSC from \$3,450 to \$3,550, Senate from \$1,400 to \$1,450, and all other public offices from \$850 to \$900. These amounts were also challenged in *Lair v. Motl* and overturned, but Judge Lovell ordered a stay concerning the political party committee contribution limits. Therefore, after adoption, these limits would be in effect until the Ninth Circuit rules on *Lair v. Motl*.

The Commissioner proposes to update a rule concerning the filing of reports. Chapter 63, L. 2017, required candidate filing fees to be subject to reporting and disclosure. The current rule exempts candidates for the legislature, Public Service Commission (PSC), and district court from filing reports electronically if the total of all expenditures is less than \$500. The proposed changes deletes this exemption because the filing fee now qualifies as a reportable expenditure, and the filing fee for a candidate for the PSC or district court will be in excess of \$500. The Commissioner also requires legislative candidates to file electronically, regardless of whether the total expenditures are less than \$500, but a candidate may request a waiver under existing exemptions.

The Commissioner also proposes to amend a rule concerning electioneering communications to clarify that any informational communications concerning a ballot issue are subject to reporting and disclosure.

**NOTES:** No public hearing is contemplated. The public comment period ends on October 6, 2017.

**FULL TEXT OF NOTICE:** The full text of the notice proposal may be found online at [http://www.mtrules.org/gateway/Cycle\\_Home.asp?CID=2576](http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2576).

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