

HOUSE BILL NO. 52

Introduced: 01/03/83

Referred to Committee on State Administration: 01/03/83

Hearing: 1/20/83

Died in Committee

1 HOUSE BILL NO. 52
2 INTRODUCED BY SHONTZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE
5 RESPONSIBILITIES OF ELECTION ADMINISTRATORS; REQUIRING THE
6 COMMISSIONER OF POLITICAL PRACTICES TO INVESTIGATE
7 ALLEGATIONS BY CANDIDATES; PROVIDING PENALTIES; AMENDING
8 SECTION 13-37-111, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Election administrator
12 responsible for conduct of election -- penalty --
13 disposition of fines. (1) The election administrator shall
14 oversee the conduct of elections to assure conformance with
15 this title and to afford each candidate full protection of
16 the law and each elector unrestrained opportunity of free
17 choice.

18 (2) If upon investigation of a complaint lodged by a
19 candidate under 13-37-111(3), the commissioner of political
20 practices determines that:

21 (a) the election administrator failed or neglected to
22 perform his duty as required by this title, the election
23 administrator is subject to a fine of \$500 for each
24 violation; or

25 (b) a candidate violated any provision of this title,

1 other than chapters 35, 36, and 37, the candidate is subject
2 to a fine of \$500 for each violation. Violations of chapters
3 35, 36, and 37 are punishable as provided therein.
4 (3) Fines collected under this section must be
5 distributed according to 13-37-129.

6 Section 2. Section 13-37-111, MCA, is amended to read:
7 "13-37-111. Investigative powers and duties. (1) The
8 commissioner of political practices shall be responsible for
9 investigating all of the alleged violations of the election
10 laws contained in chapters 35, 36, or 37 of this title and
11 shall in conjunction with the county attorneys be
12 responsible for enforcing these election laws.

13 (2) The commissioner may investigate all statements
14 filed pursuant to the provisions of chapters 35, 36, or 37
15 of this title and shall also investigate alleged failures to
16 file any statement or the alleged falsification of any
17 statement filed pursuant to the provisions of chapters 35,
18 36, or 37 of this title. Upon the submission of a written
19 complaint by any individual, the commissioner shall also
20 investigate any other alleged violation of the provisions of
21 chapters 35, 36, or 37 of this title or any rule adopted
22 pursuant thereto.

23 (3) In addition to the powers granted in subsections
24 (1) and (2), the commissioner, in conjunction with the
25 county attorneys, shall investigate any complaint lodged by a

1 candidate in an election for national, state, or local
2 office which alleges that a violation of a provision of this
3 title caused a denial of the complainant's rights resulting
4 in his failure to prevail in the election.

5 ~~(3)(4)~~ The commissioner may inspect any records,
6 accounts, or books that must be kept pursuant to the
7 provisions of chapters 35, 36, or 37 of this title which are
8 held by any political committee or candidate, so long as
9 such inspection is made during reasonable office hours.

10 ~~(4)(5)~~ The commissioner may administer oaths and
11 affirmations, subpoena witnesses, compel their attendance,
12 take evidence, and require the production of any books,
13 papers, correspondence, memoranda, bank account statements
14 of a political committee or candidate, or other records
15 which are relevant or material for the purpose of conducting
16 any investigation pursuant to the provisions of [section 1]
17 or of chapters 35, 36, or 37 of this title."

18 NEW SECTION. Section 3. Codification instruction.
19 Section 1 is intended to be codified as an integral part of
20 Title 13, chapter 1, part 3, and the provisions of Title 13
21 apply to section 1.

-End-

STATE OF MONTANA

REQUEST-NO. 040-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 52 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 52 is proposed amendment to Section 13-37-111, defining the responsibilities of election administrators; requiring the commissioner of political practices to investigate any allegation by a candidate and providing penalties.

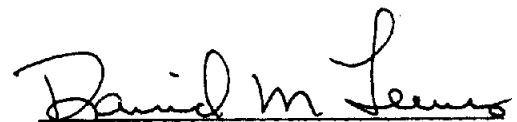
ASSUMPTIONS:

1. Current staff would not be able to administer proposed legislation.
2. Exact costs are impossible to ascertain, however, approximations are presented below.
3. Would affect; travel, telephone, postage, printing and storage as well as salaries and employee benefits.
4. Would require this office to investigate any complaint.

FISCAL IMPACT:

	<u>FY84</u>	<u>FY85</u>	<u>TOTAL BIENNIUM</u>
1. One clerk typist during general election year	\$ -0-	\$11,733	\$11,733
2. 75% increase in travel costs	1,050	1,760	2,810
3. 25% increase in telephone costs	888	1,060	1,948
4. 25% increase in postage costs	481	538	1,019
5. Educational manuals for clerk and recorders in first year	1,278	-0-	1,278
6. Supplies for new FTE	75	75	150
7. 2 additional filing cabinets	392	-0-	392
	<u>\$4,164</u>	<u>\$15,166</u>	<u>\$19,330</u>

FISCAL1:Q/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

