

HOUSE BILL 955

Introduced by Harper, et al.

2/20	Introduced
2/20	Referred to State Administration
2/20	First Reading
2/20	Fiscal Note Requested
2/21	Hearing
2/22	Committee Report--Bill Passed as Amended
2/25	2nd Reading Passed
2/25	Fiscal Note Received
2/26	Fiscal Note Printed
2/26	3rd Reading Passed
	Transmitted to Senate
2/27	First Reading
2/27	Referred to State Administration
3/27	Hearing
3/27	Tabled in Committee

1 HOUSE BILL NO. 955
2 INTRODUCED BY [Signature]
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING VOLUNTARY
5 STATEWIDE CAMPAIGN EXPENDITURE LIMITATIONS; AND AMENDING
6 SECTION 13-10-202, MCA."
7

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

9 NEW SECTION. Section 1. Voluntary limitations on
10 political expenditures. (1) A candidate may voluntarily
11 agree to limit his campaign expenditures and those of his
12 committee or independent committees and his immediate family
13 made on his behalf by filing an affidavit with the secretary
14 of state.

15 (2) The affidavit must state that the candidate knows
16 the voluntary expenditure limitations as set out in [section
17 2] and that he is voluntarily agreeing to limit his
18 expenditures and those made on his behalf by his committee,
19 independent committees, and immediate family to the amount
20 set by law. The affidavit must further state that the
21 candidate does not condone and may not solicit any
22 independent expenditures made on behalf of his candidacy.
23 The affidavit must be sworn and subscribed to by the
24 candidate and notarized.

25 (3) An affidavit in compliance with this section must

1 be filed within 10 days after the date on which a candidate
2 files his declaration of candidacy or is declared a write-in
3 winner of a primary election.

4 NEW SECTION. Section 2. Political expenditure
5 limitation amounts. Total expenditures by a candidate who
6 voluntarily agrees to limit campaign expenditures, as
7 provided in [section 1], are as follows:

8 (1) for United States senator, United States
9 representative, or governor, \$1 million for the election
10 cycle;

11 (2) for statewide office, other than a statewide office
12 covered under subsection (1), \$150,000 for the election
13 cycle;

14 (3) for public service commission member, \$50,000 for
15 the election cycle;

16 (4) for state senator, \$15,000 for the election cycle;

17 (5) for state representative or county elected
18 official, \$7,500 for the election cycle;

19 (6) for district court judge, \$20,000 for the election
20 cycle.

21 NEW SECTION. Section 3. Penalty. (1) A candidate who
22 voluntarily agrees to limit campaign expenditures, as
23 provided in [section 1], and who exceeds the total political
24 expenditure limitations, as provided in [section 2], not
25 including amounts excluded in [section 4], in running for

1 any office in either a state primary or state general
 2 election, or both, is subject to a fine schedule that is
 3 based on the percentage by which the candidate exceeds
 4 permitted campaign expenditures, so that the candidate shall
 5 pay a percentage of the excess campaign expenditures as
 6 follows:

7 (a) candidate for United States senator, United States
 8 representative, or governor:

- 9 (i) under \$2,000.....1%
- 10 (ii) \$2,000 - \$10,000.....10%
- 11 (iii) over \$10,000 - \$20,000.....25%
- 12 (iv) over \$20,000.....50%

13 (b) candidate for statewide office, other than a
 14 statewide office covered under subsection (1)(a):

- 15 (i) under \$500.....1%
- 16 (ii) \$500 - \$1,000.....10%
- 17 (iii) over \$1,000 - \$5,000.....25%
- 18 (iv) over \$5,000.....50%

19 (c) candidate for public service commission member:

- 20 (i) under \$250.....1%
- 21 (ii) \$250 - \$750.....10%
- 22 (iii) over \$750 - \$2,000.....25%
- 23 (iv) over \$2,000.....50%

24 (d) candidate for state senator:

- 25 (i) under \$100.....1%

- 1 (ii) \$100 - \$500.....10%
- 2 (iii) over \$500 - \$1,000.....25%
- 3 (iv) over \$1,000.....50%
- 4 (e) candidate for state representative or county
 5 elected official:

- 6 (i) under \$50.....1%
- 7 (ii) \$50 - \$250.....10%
- 8 (iii) over \$250 - \$500.....25%
- 9 (iv) over \$500.....50%

10 (f) candidate for district court judge:

- 11 (i) under \$100.....1%
- 12 (ii) \$100 - \$500.....10%
- 13 (iii) over \$500 - \$1,000.....25%
- 14 (iv) over \$1,000.....50%

15 (2) A fine assessed under this section must be paid to
 16 the commissioner of campaign practices for deposit in the
 17 general fund prior to the certification of the election.
 18 Failure to pay this fine disqualifies a person to serve in
 19 office.

20 **NEW SECTION. Section 4. Exclusion from expenditures.**

21 For the purposes of [sections 1 through 5], campaign
 22 expenditures do not include:

- 23 (1) funds spent by the candidate or his committee more
 24 than 1 year prior to the primary election date for goods or
 25 services not used directly in the campaign;

- 1 (2) funds spent for payments of filing fees; and
 2 (3) payments of fines pursuant to [section 3].

3 NEW SECTION. Section 5. Option to remove voluntary
 4 limitations -- penalty. (1) A candidate who exceeds the
 5 limitations set forth in [section 2], whether or not he has
 6 voluntarily agreed to the limitations of [section 2], shall
 7 notify the secretary of state within 1 working day of
 8 exceeding the spending limit.

9 (2) Upon notification by a candidate that he has
 10 exceeded the spending limitations, the secretary of state
 11 shall notify the opposing candidates of the action. If an
 12 opposing candidate has voluntarily assumed the spending
 13 limitation, he may, within 5 working days of his notice of
 14 his opponent's overspending, pay the additional filing fee
 15 required under 13-10-202(2) and is no longer subject to the
 16 spending limitation fines as provided in [section 3].

17 (3) A candidate who knowingly fails to notify the
 18 secretary of state as required under subsection (1) is
 19 subject to removal of his name from the ballot.

20 **Section 6.** Section 13-10-202, MCA, is amended to read:

21 "13-10-202. Filing fees -- alternative filing fees.
 22 Filing (1) Except as provided in subsection (2), filing fees
 23 are as follows:

24 ~~(1)(a) for offices having an annual salary of \$2,500 or~~
 25 ~~less and candidates for the legislature, \$15;~~

1 ~~(2) -- for county offices having an annual salary of more~~
 2 ~~than \$2,500, 0.5% of the total annual salary;~~

3 ~~(3) -- for other offices having an annual salary of more~~
 4 ~~than \$2,500, 1% of the total annual salary;~~

5 ~~(4)(b) for offices in which compensation is paid in~~
 6 ~~fees, \$10;~~

7 ~~(c) for offices not covered by subsection (1)(a),~~
 8 ~~(1)(b), or (1)(d), 0.5% of the total annual salary;~~

9 ~~(5)(d) for officers of political parties, presidential~~
 10 ~~electors, and officers who receive no salary or fees, no~~
 11 ~~filing fee is required.~~

12 (2) A person qualified to run for office who does not,
 13 pursuant to [section 1], voluntarily accept the expenditure
 14 limitations set forth in [section 2] shall, in order to have
 15 his name printed on the primary ballot of any party, file
 16 with the appropriate official the filing fee, together with
 17 one written assent to candidacy, as follows:

18 (a) for United States senator, \$5,000;

19 (b) for governor and United States representative,
 20 \$2,500;

21 (c) for statewide office, other than a statewide office
 22 covered under subsection (2)(a) or (2)(b), \$1,500;

23 (d) for public service commission member, \$1,000;

24 (e) for state senator, \$200;

25 (f) for state representative and county elected

1 official, \$100;

2 (g) for district court judge, \$1,000."

3 NEW SECTION. Section 7. Codification instruction.

4 [Sections 1 through 5] are intended to be codified as an
5 integral part of Title 13, chapter 37, and the provisions of
6 Title 13, chapter 37, apply to [sections 1 through 5].

7 NEW SECTION. Section 8. Severability. If a part of
8 [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this
10 act] is invalid in one or more of its applications, the part
11 remains in effect in all valid applications that are
12 severable from the invalid applications.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0955, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing voluntary statewide campaign expenditure limitations.

ASSUMPTIONS:

Secretary of State:

1. Filing fee income is collected in even numbered fiscal years only (FY92).
2. Penalties are collected by the Commissioner of Political Practices.
3. No candidates will opt for exemption after filing.
4. Based on historical data, candidate filings will be as follows:

Congress: 4 filing, 2 agreeing to limits, 2 not.	Governor: 4 filing, 2 agreeing, 2 not.
Attorney General: 2 filing, both agree to limits.	Auditor: 2 filing, both agree to limits.
Sec. of State: 2 filing, both agree to limits.	Superintendent: 2 filing both agree to limits.
Supreme Court: 4 filing, all agree to limits.	Dist. Court: 8 filing, all agree to limits.
PSC: 2 filing, both will agree to limits.	State Senate: 40 filing, all but 4 agree to limits.
House of Representatives: 150 filing, all but 6 agree to limits.	
5. Expenditures are not impacted. Costs for minor revisions to forms will be absorbed in agency budget.


Commissioner of Political Practices:


6. An affidavit form for state candidates to limit voluntarily their campaign expenditures will need to be devised and printed. Costs will be absorbed in the current budget.
7. The affidavit form will be mailed to all state candidates immediately after they have filed for office along with other forms mailed by the commissioner at that time.
8. Costs for mailing the affidavit will be absorbed in the costs for mailing other materials to state candidates.
9. Revenue from fines and penalties cannot be determined at this time.

FISCAL IMPACT:

Secretary of State:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
Filing Fees (01)	20,839	20,980	141	0	0	0
General Fund Impact			141			0


 _____ 2-25-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 _____ 2/26/91
 HAL HARPER, PRIMARY SPONSOR DATE
 Fiscal Note for HB0955, as introduced HB 955

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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2 INTRODUCED BY HARPER, MAZUREK
3 BY REQUEST OF THE SECRETARY OF STATE
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15 with the secretary of state.

16 (2) The affidavit must state that the candidate knows
17 the voluntary expenditure limitations as set out in [section
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19 expenditures and those made on his behalf by his committee,
20 independent committees, and immediate family to the amount
21 set by law. The affidavit must further state that the
22 candidate does not condone ~~and may not solicit~~ any
23 independent expenditures made on behalf of his candidacy.
24 The affidavit must be sworn and subscribed to by the
25 candidate and notarized.

1 (3) An affidavit in compliance with this section must
2 be filed ~~within 10 days after~~ WITH THE SECRETARY OF STATE ON
3 the date on which a candidate files his declaration of
4 candidacy or is declared a write-in winner of a primary
5 election. IMMEDIATELY AFTER RECEIVING AN AFFIDAVIT FILED
6 PURSUANT TO THIS SECTION, THE SECRETARY OF STATE SHALL
7 FORWARD A COPY OF THE AFFIDAVIT TO THE COMMISSIONER.

8 NEW SECTION. Section 2. ~~Political~~ VOLUNTARY CAMPAIGN
9 expenditure limitation amounts. (1) Total expenditures by a
10 candidate who voluntarily agrees to limit campaign
11 expenditures, as provided in [section 1], are as follows:

12 ~~(1)(A)~~ (A) for United States senator, ~~United States~~
13 ~~representative,~~ or governor, \$1 million for the election
14 cycle;

15 (B) FOR UNITED STATES REPRESENTATIVE, \$500,000 FOR THE
16 ELECTION CYCLE;

17 ~~(2)(C)~~ (C) for statewide office, other than a statewide
18 office covered under subsection (1), \$150,000 for the
19 election cycle;

20 ~~(3)(D)~~ (D) for public service commission member, \$50,000
21 for the election cycle;

22 ~~(4)(E)~~ (E) for state senator, \$15,000 for the election
23 cycle;

24 ~~(5)(F)~~ (F) for state representative or county elected
25 official, \$7,500 for the election cycle;

1 (6)(G) for district court judge, \$20,000 for the
2 election cycle.

3 (2) BEGINNING ON JULY 1, 1993, AND ON JULY 1 OF EACH
4 ODD-NUMBERED YEAR, THE COMMISSIONER SHALL INCREASE THE
5 DOLLAR AMOUNTS CONTAINED IN SUBSECTIONS (1)(A) THROUGH
6 (1)(G) BY THE AMOUNT EQUAL TO THE AGGREGATE PERCENTAGE
7 INCREASE IN THE PREVIOUS 2 CALENDAR YEARS' CONSUMER PRICE
8 INDEX FOR ALL URBAN CONSUMERS FROM THE U.S. DEPARTMENT OF
9 LABOR, BUREAU OF STATISTICS, OR ANY OTHER INDEX THAT THE
10 BUREAU OF BUSINESS AND ECONOMIC RESEARCH OF THE UNIVERSITY
11 OF MONTANA MAY IN THE FUTURE RECOGNIZE AS THE SUCCESSOR OF
12 THAT INDEX. THE NEW AMOUNTS MUST BE ROUNDED UP TO THE
13 NEAREST \$100, AND THE COMMISSIONER SHALL ADOPT NEW AMOUNTS
14 BY RULE.

15 NEW SECTION. Section 3. Penalty. (1) A candidate who
16 voluntarily agrees to limit campaign expenditures, as
17 provided in [section 1], and who exceeds the total political
18 VOLUNTARY CAMPAIGN expenditure limitations, as provided in
19 [section 2], not including amounts excluded in [section 4],
20 in running for any office in either a state primary or state
21 general election, or both, is subject to a fine schedule
22 that is based on the percentage by which the candidate
23 exceeds permitted campaign expenditures, so that the
24 candidate shall pay a percentage of the excess campaign
25 expenditures as follows:

- 1 (a) candidate for United States senator, United States
- 2 representative, or governor:
- 3 (i) under \$2,000.....1%
- 4 (ii) \$2,000 - \$10,000.....10%
- 5 (iii) over \$10,000 - \$20,000.....25%
- 6 (iv) over \$20,000.....50%
- 7 (b) candidate for statewide office, other than a
- 8 statewide office covered under subsection (1)(a):
- 9 (i) under \$500.....1%
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- 13 (c) candidate for public service commission member:
- 14 (i) under \$250.....1%
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- 18 (d) candidate for state senator:
- 19 (i) under \$100.....1%
- 20 (ii) \$100 - \$500.....10%
- 21 (iii) over \$500 - \$1,000.....25%
- 22 (iv) over \$1,000.....50%
- 23 (e) candidate for state representative or county
- 24 elected official:
- 25 (i) under \$50.....1%

- 1 (ii) \$50 - \$250.....10%
- 2 (iii) over \$250 - \$500.....25%
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- 4 (f) candidate for district court judge:
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9 (2) A fine assessed under this section must be paid to
 10 the commissioner of campaign POLITICAL practices for deposit
 11 in the general fund prior to the certification of the
 12 RESULTS OF AN election. ~~Failure---to---pay---this---fine~~
 13 ~~disqualifies--a--person--to--serve--in--office~~ A CERTIFICATE OF
 14 ELECTION MAY NOT BE GRANTED TO A CANDIDATE WHO FAILS TO PAY
 15 A FINE ASSESSED UNDER THIS SECTION.

16 NEW SECTION. Section 4. Exclusion from expenditures.
 17 For the purposes of [sections 1 through 5], campaign
 18 expenditures do not include:

- 19 (1) ~~funds-spent~~ PAYMENTS MADE by the A candidate or his
 20 committee more than 1 year prior to the primary election
 21 date for goods or services not used directly in the
 22 campaign;
- 23 (2) ~~funds-spent-for~~ payments of filing fees; and
- 24 (3) payments of fines pursuant to [section 3].

25 NEW SECTION. Section 5. Option to remove voluntary

1 limitations -- penalty. (1) A candidate who exceeds the
 2 limitations set forth in [section 2], whether or not he has
 3 voluntarily agreed to the limitations of [section 2], shall
 4 notify the ~~secretary-of-state~~ COMMISSIONER within 1 working
 5 day of exceeding the spending limit.

6 (2) Upon notification by a candidate that he has
 7 exceeded ~~the--spending--limitations, the secretary-of-state~~
 8 HIS VOLUNTARY EXPENDITURE LIMITATION, THE COMMISSIONER shall
 9 notify THE SECRETARY OF STATE. UPON NOTIFICATION FROM THE
 10 COMMISSIONER, THE SECRETARY OF STATE SHALL NOTIFY the
 11 opposing candidates of the action. If an opposing candidate
 12 has voluntarily assumed the spending limitation, he may,
 13 within 5 working days of his notice of his opponent's
 14 overspending, pay the additional filing fee required under
 15 13-10-202(2) and is no longer subject to the spending
 16 limitation fines as provided in [section 3].

17 (3) A candidate who knowingly fails to notify the
 18 ~~secretary-of-state~~ COMMISSIONER as required under subsection
 19 (1) is subject to removal of his name from the ballot.

20 Section 6. Section 13-10-202, MCA, is amended to read:

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 23 are as follows:

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 25 less and candidates for the legislature, \$15;

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10 ~~electors, and officers who receive no salary or fees, no~~
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12 (2) A person qualified to run for office who does not,
13 pursuant to [section 1], voluntarily accept the expenditure
14 limitations set forth in [section 2] shall, in order to have
15 his name printed on the primary ballot of any party, file
16 with the appropriate official the filing fee, together with
17 one written assent to candidacy, as follows:

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22 covered under subsection (2)(a) or (2)(b), \$1,500;

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12 severable from the invalid applications.

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 9 notify THE SECRETARY OF STATE. UPON NOTIFICATION FROM THE
 10 COMMISSIONER, THE SECRETARY OF STATE SHALL NOTIFY the
 11 opposing candidates of the action. If an opposing candidate
 12 has voluntarily assumed the spending limitation, he may,
 13 within 5 working days of his notice of his opponent's
 14 overspending, pay the additional filing fee required under
 15 13-10-202(2) and is no longer subject to the spending
 16 limitation fines as provided in [section 3].

17 (3) A candidate who knowingly fails to notify the
 18 ~~secretary-of-state~~ COMMISSIONER as required under subsection
 19 (1) is subject to removal of his name from the ballot.

20 Section 6. Section 13-10-202, MCA, is amended to read:

21 "13-10-202. Filing fees -- alternative filing fees.
 22 Filing (1) Except as provided in subsection (2), filing fees
 23 are as follows:

- 24 ~~((1))~~ (a) ~~for offices having an annual salary of \$2,500 or~~
 25 ~~less and candidates for the legislature, \$15;~~

1 ~~(2) for county offices having an annual salary of more~~
2 ~~than \$2,500, 0.5% of the total annual salary;~~
3 ~~(3) for other offices having an annual salary of more~~
4 ~~than \$2,500, 1% of the total annual salary;~~
5 ~~++(b) for offices in which compensation is paid in~~
6 ~~fees, \$10;~~
7 ~~(c) for offices not covered by subsection (1)(a),~~
8 ~~(1)(b), or (1)(d), 0.5% of the total annual salary;~~
9 ~~+(5)(d) for officers of political parties, presidential~~
10 ~~electors, and officers who receive no salary or fees, no~~
11 ~~filing fee is required.~~
12 ~~(2) A person qualified to run for office who does not,~~
13 ~~pursuant to [section 1], voluntarily accept the expenditure~~
14 ~~limitations set forth in [section 2] shall, in order to have~~
15 ~~his name printed on the primary ballot of any party, file~~
16 ~~with the appropriate official the filing fee, together with~~
17 ~~one written assent to candidacy, as follows:~~
18 ~~(a) for United States senator, \$5,000;~~
19 ~~(b) for governor and United States representative,~~
20 ~~\$2,500;~~
21 ~~(c) for statewide office, other than a statewide office~~
22 ~~covered under subsection (2)(a) or (2)(b), \$1,500;~~
23 ~~(d) for public service commission member, \$1,000;~~
24 ~~(e) for state senator, \$200;~~
25 ~~(f) for state representative and county-elected~~

1 ~~official, \$100;~~
2 ~~(g) for district court judge, \$1,000."~~
3 ~~NEW SECTION. Section 7. Codification instruction.~~
4 ~~[Sections 1 through 5] are intended to be codified as an~~
5 ~~integral part of Title 13, chapter 37, and the provisions of~~
6 ~~Title 13, chapter 37, apply to [sections 1 through 5].~~
7 ~~NEW SECTION. Section 8. Severability. If a part of~~
8 ~~[this act] is invalid, all valid parts that are severable~~
9 ~~from the invalid part remain in effect. If a part of [this~~
10 ~~act] is invalid in one or more of its applications, the part~~
11 ~~remains in effect in all valid applications that are~~
12 ~~severable from the invalid applications.~~

-End-