

1 Howe BILL NO. 670  
 2 INTRODUCED BY VINCENT ~~Harper~~ Palmer  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GENERAL  
 5 POLITICAL REFORM IN MATTERS CONCERNING CAMPAIGN EXPENDITURE  
 6 LIMITS, LOBBYING, CONFLICTS OF INTEREST OF ELECTED AND  
 7 EMPLOYED GOVERNMENT PERSONNEL, AND AUDITING OF CAMPAIGN  
 8 REPORTS AND RELATED MATTERS; PROVIDING PENALTIES; PROVIDING  
 9 FOR ENFORCEMENT; AMENDING SECTIONS 43-802, 43-803, AND  
 10 43-805, R.C.M. 1947; AND REPEALING SECTIONS 23-4727,  
 11 23-4728, AND 43-806, R.C.M. 1947."

12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Definitions. As used in this act:

15 (1) "Adjusting an amount for cost of living changes"  
 16 means multiplying the amount by a multiplier determined at  
 17 the beginning of each year by the director of revenue to  
 18 reflect changes in the price level, based on the change  
 19 during the previous calendar year in the consumer price  
 20 index published by the United States bureau of labor  
 21 statistics and on such other readily available sources of  
 22 information as the director of revenue may deem appropriate.

23 (2) "Administrative action" means the proposal,  
 24 drafting, development, consideration, amendment, enactment  
 25 or defeat by any state agency of any rule, regulation or

1 other action in any rate-making proceeding or any  
 2 quasi-legislative proceeding, which shall include any  
 3 proceeding governed by chapter 4.5 of division 3 of Title 2  
 4 of the Government Code (beginning with section 11371).

5 (3) "Agency" means any state agency or local  
 6 government agency.

7 (4) "Agency official" means any member, officer,  
 8 employee or consultant of any state agency who as part of  
 9 his official responsibilities participates in any  
 10 administrative action in other than a purely clerical,  
 11 secretarial or ministerial capacity.

12 (5) "Candidate" means an individual who is listed on  
 13 the ballot or who has qualified to have write-in votes on  
 14 his behalf counted by election officials, for nomination for  
 15 or election to any elective office, or who receives a  
 16 contribution or makes an expenditure or gives his consent  
 17 for any other person to receive a contribution or make an  
 18 expenditure with a view to bringing about his nomination or  
 19 election to any elective office, whether or not the specific  
 20 elective office for which he will seek nomination or  
 21 election is known at the time the contribution is received  
 22 or the expenditure is made and whether or not he has  
 23 announced his candidacy or filed a declaration of candidacy  
 24 at such time. "Candidate" also includes any official leader  
 25 who is the subject of a recall election. "Candidate" does

1 not include any person within the meaning of section 301 (b)  
2 of the Federal Election Campaign Act of 1971.

3 (6) "City" means a chartered city.

4 (7) "Clerk" refers to the city or county clerk.

5 (8) "Committee" means any person or combination of  
6 persons who directly or indirectly receives contributions or  
7 makes expenditures or contributions for the purpose of  
8 influencing or attempting to influence the action of the  
9 voters for or against the nomination or election of one or  
10 more candidates, or the passage or defeat of any measure,  
11 including any committee or subcommittee of a political  
12 party, whether national, state or local, if:

13 (a) contributions received total five hundred dollars  
14 (\$500) or more in a calendar year;

15 (b) expenditures and contributions made, other than  
16 contributions described in subsection (c), total five  
17 hundred dollars (\$500) or more in a calendar year; or

18 (c) contributions of cash, checks and other cash  
19 equivalents paid directly to candidates and committees total  
20 five thousand dollars (\$5,000) or more in a calendar year.

21 (9) "Conflict of interest code" means a set of rules  
22 and regulations adopted by an agency pursuant to chapter 7  
23 of this title.

24 (10) "Contribution" means a payment, a forgiveness of  
25 a loan, a payment of a loan by a third party, or an

1 enforceable promise to make a payment except to the extent  
2 that full and adequate consideration is received unless it  
3 is clear from the surrounding circumstances that it is not  
4 made for political purposes. An expenditure made at the  
5 behest of a candidate, committee or elected officer is a  
6 contribution to the candidate, committee or elected officer  
7 unless full and adequate consideration is received for  
8 making the expenditure.

9 (a) The term "contribution" includes the purchase of  
10 tickets for events such as dinners, luncheons, rallies and  
11 similar fund raising events; the candidate's own money or  
12 property used on behalf of his candidacy; the granting of  
13 discounts or rebates not extended to the public generally or  
14 the granting of discounts or rebates by television and radio  
15 stations and newspapers not extended on an equal basis to  
16 all candidates for the same office; the payment of  
17 compensation by any person for the personal services or  
18 expenses of any other person if such services are rendered  
19 or expenses incurred on behalf of a candidate or committee  
20 without payment of full and adequate consideration.

21 (b) The term "contribution" further includes any  
22 transfer of anything of value received by a committee from  
23 another committee.

24 (c) The term "contribution" does not include amounts  
25 received pursuant to an enforceable promise to the extent

1 such amounts have been previously reported as a  
2 contribution. However, the fact that such amounts have been  
3 received shall be indicated in the appropriate campaign  
4 statement.

5 (d) Notwithstanding the foregoing definition of  
6 "contribution", the term does not include volunteer personal  
7 services or payments made by any individual for his own  
8 travel expenses if such payments are made voluntarily  
9 without any understanding or agreement that they shall be,  
10 directly or indirectly, repaid to him.

11 (11) "Controlled committee" means a committee which is  
12 controlled directly or indirectly by a candidate or which  
13 acts jointly with a candidate or controlled committee in  
14 connection with the making of expenditures. A candidate  
15 controls a committee if he, his agent or any other committee  
16 he controls has a significant influence on the actions or  
17 decisions of the committee.

18 (12) "Elected officer" means any person who holds an  
19 elective office or has been elected to an elective office  
20 but has not yet taken office. A person who is appointed to  
21 fill a vacant elective office is an elected officer.

22 (13) "Elected state officer" means any person who  
23 holds an elective state office or has been elected to an  
24 elective state office but has not yet taken office. A  
25 person who is appointed to fill a vacant elective state

1 office is an elected state officer.

2 (14) "Election" means any primary, general, special or  
3 recall election held in this state. The primary and general  
4 or special elections are separate elections for purposes of  
5 this title.

6 (15) "Elective office" means any state, regional,  
7 county, municipal, district or judicial office which is  
8 filled at an election. "Elective office" also includes  
9 membership on a county central committee of a qualified  
10 political party.

11 (16) "Elective state office" means the office of  
12 governor, lieutenant governor, attorney general, controller,  
13 secretary of state, treasurer, superintendent of public  
14 instruction, member of the legislature and member of the  
15 state board of equalization.

16 (17) "Expenditure" means a payment, a forgiveness of a  
17 loan, a payment of a loan by a third party, or an  
18 enforceable promise to make a payment, unless it is clear  
19 from the surrounding circumstances that it is not made for  
20 political purposes. An expenditure is made on the date the  
21 payment is made or on the date consideration, if any, is  
22 received, whichever is earlier.

23 (18) "Filer" means the person filing or required to  
24 file any statement or report under this title.

25 (19) "Filing officer" means the office or officer with

1 ~~when~~ any statement or report is required to be filed under  
 2 this title. If copies of a statement or report are required  
 3 to be filed with more than one office or officer, the one  
 4 first named is the filing officer, and the copy filed with  
 5 him shall be signed in the original and shall be deemed the  
 6 original copy.

7 (20) "Gift" means any payment to the extent that  
 8 consideration of equal or greater value is not received.  
 9 Any person, other than a defendant in criminal action, who  
 10 claims that a payment is not a gift by reason of receipt of  
 11 consideration has the burden of proving that the  
 12 consideration received is of equal or greater value. The  
 13 term "gift" does not include informational material such as  
 14 books, reports, pamphlets, calendars or periodicals. No  
 15 payment for travel or reimbursement for any expenses shall  
 16 be deemed "informational material".

17 (21) "Independent committee" means a committee which  
 18 is not controlled either directly or indirectly by a  
 19 candidate or controlled committee, and which does not act  
 20 jointly with a candidate or controlled committee in  
 21 connection with the making of expenditures. A committee may  
 22 be controlled with respect to one or more candidates and  
 23 independent with respect to other candidates.

24 (22) "Influencing legislative or administrative  
 25 action" means promoting, supporting, influencing, modifying,

1 opposing or delaying any legislative or administrative  
 2 action by any means, including but not limited to the  
 3 provision or use of information, statistics, studies or  
 4 analyses.

5 (23) "Interest in real property" includes any  
 6 leasehold, beneficial or ownership interest or an option to  
 7 acquire such an interest in real property located in the  
 8 jurisdiction if the fair market value of the interest is  
 9 greater than one thousand dollars (\$1,000). Interests in  
 10 real property of an individual includes a pro rata share of  
 11 interests in real property of any business entity or trust  
 12 in which the individual or spouse owns, directly, indirectly  
 13 or beneficially, a ten percent interest or greater.

14 (24) "Investment" means any financial interest in or  
 15 security issued by a business entity, including but not  
 16 limited to common stock, preferred stock, rights, warrants,  
 17 options, debt instruments and any partnership or other  
 18 ownership interest, if the business entity or any parent,  
 19 subsidiary or otherwise related business entity has an  
 20 interest in real property in the jurisdiction, or does  
 21 business or plans to do business in the jurisdiction, or has  
 22 done business within the jurisdiction at any time during the  
 23 two years prior to the time any statement or other action is  
 24 required under this title. No asset shall be deemed an  
 25 investment unless its fair market value exceeds one thousand

1 dollars (\$1,000). The term "investment" does not include a  
 2 time or demand deposit in a financial institution, shares in  
 3 a credit union, an insurance policy, or any bond or other  
 4 debt instrument issued by any government or government  
 5 agency. Investments of an individual include a pro rata  
 6 share of investments of any business entity or trust in  
 7 which the individual or spouse owns, directly, indirectly or  
 8 beneficially, a ten percent (10%) interest or greater. The  
 9 term "parent, subsidiary or otherwise related business  
 10 entity" shall be specifically defined by regulations of the  
 11 secretary of state.

12 (25) "Jurisdiction" means the state with respect to a  
 13 state agency and, with respect to a local government agency,  
 14 the region, county, city, district or other geographical  
 15 area in which it has jurisdiction. Real property shall be  
 16 deemed to be "within the jurisdiction" with respect to a  
 17 local government agency if the property or any part of it is  
 18 located within or not more than two (2) miles outside the  
 19 boundaries of the jurisdiction or within two (2) miles of  
 20 any land owned or used by the local government agency.

21 (26) "Legislative action" means the drafting,  
 22 introduction, consideration, modification, enactment or  
 23 defeat of any bill, resolution, amendment, report,  
 24 nomination or other matter by the legislature or by either  
 25 house or any committee, subcommittee, joint or select

1 committee thereof, or by a member or employee of the  
 2 legislature acting in his official capacity. "Legislative  
 3 action" also means the action of the governor in approving  
 4 or vetoing any bill.

5 (27) "Legislative official" means any employee or  
 6 consultant of the legislature whose duties are not solely  
 7 secretarial, clerical or manual.

8 (28) "Person" means an individual, proprietorship,  
 9 firm, partnership, joint venture, syndicate, business trust,  
 10 company, corporation, association, committee, and any other  
 11 organization or group of persons acting in concert.

12 (29) "Public official" means every member, officer,  
 13 employee or consultant of a state or local government  
 14 agency.

15 (30) "State agency" means every state office,  
 16 department, division, bureau, board and commission, and the  
 17 legislature, but does not include the courts or any agency  
 18 in the judicial branch of government.

19 (31) "State candidate" means a candidate who seeks  
 20 nomination or election to any elective state office.

21 (32) "State measure" means any measure which is  
 22 submitted or is intended to be submitted to the voters of  
 23 the state.

24 (33) "Statewide candidate" means a candidate who seeks  
 25 election to any statewide elective office.

1 (34) "Statewide election" means an election for  
2 statewide elective office.

3 (35) "Statewide elective office" means the office of  
4 governor, lieutenant governor, attorney general, controller,  
5 secretary of state, treasurer and superintendent of public  
6 instruction.

7 (36) "Statewide petition" means a petition to qualify  
8 a proposed state measure.

9 (37) "Voting age population" means the population of  
10 the state aged eighteen years or over as determined by the  
11 United States secretary of commerce pursuant to section 104  
12 (a) (5) of the Federal Election Campaign Act of 1971. If  
13 for any reason no such determination is made, the commission  
14 shall from time to time determine the voting age population  
15 from the best readily available sources of information.

16 Section 2. Expenditure limits for statewide  
17 candidates. (1) Aggregate expenditures by a statewide  
18 candidate, his agents and controlled committees during the  
19 five months prior to an election shall not exceed the  
20 following amounts, adjusted in all years after 1976 for cost  
21 of living changes:

22 (a) for a primary election for governor, thirty cents  
23 (\$.30) multiplied by the voting age population;

24 (b) for an election for governor other than a primary  
25 election, thirty cents (\$.30) multiplied by the voting age

1 population; and

2 (c) for a primary or general election for any  
3 statewide elective office other than governor, fifteen cents  
4 (\$.15) multiplied by the voting age population.

5 (2) The amounts set forth in subsection (1) shall be  
6 reduced by ten percent (10%) for an incumbent who is seeking  
7 reelection to the same statewide elective office.

8 (3) The state central committee of a political party,  
9 and committees and subcommittees it controls, shall not make  
10 expenditures during the five (5) months prior to a statewide  
11 election aggregating more than one cent (\$.01) multiplied by  
12 the voting age population and adjusted for cost of living  
13 changes. For purposes of this section, a county central  
14 committee is not a committee or subcommittee controlled by a  
15 state central committee.

16 (4) Except as provided in subsections (3) and (5) of  
17 this section, no independent committee shall make  
18 expenditures aggregating more than ten thousand dollars  
19 (\$10,000) during the five (5) months preceding a statewide  
20 election in support of or in opposition to the candidate  
21 seeking a nomination or election to a single statewide  
22 elective office. Two (2) or more independent committees  
23 which act jointly in making expenditures shall be considered  
24 a single independent committee for purposes of this chapter.

25 (5) Not less than sixty (60) days prior to an election

1 an independent committee may file with the secretary of  
 2 state a statement of intent to make expenditures exceeding  
 3 ten thousand dollars (\$10,000) in support of a statewide  
 4 candidate. The secretary of state shall immediately notify  
 5 all candidates for the nomination or office in question of  
 6 the statement of intent and shall require the candidate  
 7 being supported to file a verified statement of whether or  
 8 not the committee is independent of him. The secretary of  
 9 state shall approve the statement of intent not more than  
 10 thirty-nine (39) days prior to the election if it finds that  
 11 the filer is a bona fide independent committee, that it is  
 12 in good faith in supporting the candidate, and that it has  
 13 the intention and ability to incur the expenditures. If the  
 14 statement of intent is approved, the secretary of state  
 15 shall notify each candidate for the nomination or office in  
 16 question other than the candidate supported by the  
 17 independent committee that the limits contained in  
 18 subsection (1) of this section may be increased by the  
 19 amount in the statement of intent filed by the independent  
 20 committee, except to the extent that statements of intent to  
 21 make expenditures in support of such other candidates are  
 22 also approved. The secretary of state shall not approve  
 23 statements of intent for support of a candidate aggregating  
 24 more than one cent (\$.01) multiplied by the voting age  
 25 population and adjusted for cost of living changes. If

1 statements of intent exceeding this amount are submitted,  
 2 the secretary of state shall apportion the expenditures  
 3 among the independent committees which have filed statements  
 4 of intent on the basis of a strictly arithmetic formula  
 5 which shall be prescribed by regulation.

6 (6) Expenditures incurred by an independent committee  
 7 for communication directed to its own members or employees  
 8 shall not be included within the limitations contained in  
 9 subsections (2) and (3) of this section.

10 (7) If an expenditure is incurred in support of more  
 11 than one (1) candidate, the entire amount is charged to each  
 12 candidate for purposes of subsection (1) of this section and  
 13 a proportionate amount is charged to each candidate for  
 14 purposes of subsections (2) and (3) of this section.

15 (8) For purposes of this act an expenditure is made  
 16 during the five-month period before the election if either  
 17 payment is made or the consideration is received during that  
 18 period. However, if the consideration is received before  
 19 the primary election and payment is made after the primary  
 20 election, the expenditure shall be charged only to the  
 21 primary election and not to the general election.

22 (9) Payments made for the purpose of registering  
 23 voters or for bringing voters to the polling place are not  
 24 expenditures within the meaning of this chapter. This  
 25 section does not affect the duty to disclose such payments

1 under this act.

2 Section 3. Expenditure limitations related to  
3 statewide petitions. (1) No person shall incur any  
4 expenditure in furtherance of the circulation or  
5 qualification of a statewide petition without the express or  
6 implied authorization of the proponent. For purposes of  
7 this section "expenditure" does not include:

8 (a) unreimbursed expenses incurred by a circulator  
9 incidental to his circulation of the petition; or

10 (b) expenditures for advertising or speech regarding  
11 the measure unless the advertising or speech is directly  
12 incidental to circulation of the petition.

13 (2) Not more than twenty-five cents (\$.25) multiplied  
14 by the number of signatures required for qualification,  
15 adjusted for cost of living changes, shall be spent in  
16 furtherance of the circulation or qualification of a  
17 statewide petition.

18 (3) In addition to other remedies and penalties, a  
19 court shall order the secretary of state not to submit to  
20 the voters any measure which it is shown by clear and  
21 convincing evidence would not have qualified but for a  
22 violation of this section. The proponent of the measure  
23 shall be a party or real party in interest to any action  
24 brought under this section. Actions under this section may  
25 be initiated by the secretary of state or any voter. No

1 judgment shall be issued under this section later than the  
2 day prior to the election. If a judgment against the  
3 proponent under this section is reversed after the election  
4 or after it is too late to submit the measure to the voters  
5 on the scheduled day of the election, the proposed measure  
6 will be deemed to have qualified on the day of the reversal  
7 of the judgment.

8 (4) "Expenditures" as used in this section means  
9 expenditures to influence the action of the voters for or  
10 against the adoption of any state measure which has  
11 qualified to be placed on the ballot.

12 (5) No committee may make expenditures with respect to  
13 any state measure in excess of ten thousand dollars  
14 (\$10,000) without complying with the requirements of this  
15 section. For purposes of this section, two (2) or more  
16 committees that act jointly in making expenditures are  
17 considered a single committee.

18 (6) Any committee which intends to make expenditures  
19 in excess of ten thousand dollars (\$10,000) with respect to  
20 any state measure shall, not later than twenty-eight (28)  
21 days prior to the election, file a statement of intent with  
22 the secretary of state, which shall identify the measure and  
23 state whether the committee intends to support or oppose the  
24 measure and the amount the committee intends to spend. The  
25 secretary of state shall approve the statement of intent,



1 subject to the limitations set forth in this section, if it  
 2 finds that the committee is in good faith and supporting or  
 3 opposing the measure and that it has the intention and  
 4 ability to incur the expenditures. Not less than twenty-one  
 5 (21) days prior to the election the secretary of state shall  
 6 notify each committee whose statement of intent has been  
 7 approved of the limitation on expenditures that is  
 8 applicable to the committee.

9 Section 4. Expenditure limitations in regard to  
 10 statewide measures. (1) Aggregate expenditures in support  
 11 of or in opposition to a state measure shall not exceed the  
 12 lower of the amounts set forth in subsection (a) or (b) of  
 13 this subsection:

14 (a) eight cents (\$.08) multiplied by the voting age  
 15 population, adjusted for cost of living changes;

16 (b) five hundred thousand dollars (\$500,000) plus the  
 17 aggregate amount set forth in the approved statements of  
 18 intent filed by committees on the opposite side of the  
 19 issue.

20 (2) If the aggregate amounts set forth in the approved  
 21 statements of intent filed in support of or in opposition to  
 22 a state measure exceed the limitations contained in  
 23 subsection (1) of this section, the secretary of state shall  
 24 apportion the permissible expenditures among the committees  
 25 which have filed statements of intent on the basis of a

1 strictly arithmetic formula which shall be prescribed by  
 2 regulation.

3 (3) Expenditures incurred by a committee for  
 4 communication directed to its own members or employees shall  
 5 not be included within the limitations imposed by this  
 6 section.

7 Section 5. Section 43-802, R.C.M. 1947, is amended to  
 8 read as follows:

9 \*43-802. Definitions. The following words and phrases  
 10 shall have the meaning respectively ascribed to them:

11 (1) Lobbying. The practice of promoting or opposing  
 12 the introduction or enactment of legislation before the  
 13 legislature or the members thereof or communicating with an  
 14 elected state official, or state agency official to promote  
 15 or oppose administrative action by any person other than a  
 16 member of the legislature or a public official acting in his  
 17 official capacity.

18 (2) Lobbyist. Any person who engages in the practice  
 19 of lobbying for hire except in the manner authorized by  
 20 section 43-807. Lobbying for hire shall include activities  
 21 of any officers, agents, attorneys or employees of any  
 22 principal who are paid a regular salary or retained by such  
 23 principal and whose duties include lobbying communication  
 24 directly or through other persons with any elected state  
 25 official, agency official, or legislative official for the

purpose of influencing legislative or administrative action.

When a person is only reimbursed for his personal living and travel expenses, he shall not be considered to be lobbying for hire. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(3) Lobbyist's account. A fund, account, or trust controlled by a lobbyist in connection with his activities as a lobbyist.

~~(3)~~ (4) Unprofessional conduct. A violation of any of the provisions of this act, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

~~(4)~~ (5) Principal. (a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the

legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county or municipal corporation.

~~(5)~~ (6) Docket. The register of licensed lobbyists maintained by the secretary of state pursuant to section 43-805.

~~(6)~~ (7) Pecuniary interest. This term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business."

Section 6. Section 43-803, R.C.M. 1947, is amended to read as follows:

"43-803. Licensing of lobbyists—fee—expiration, suspension or revocation—reinstatement. (1) Licenses—fees—eligibility. Any person of adult age and good moral character who is a citizen of the United States

1 and otherwise qualified under this act may be licensed as a  
 2 lobbyist as herein provided. The secretary of state shall  
 3 provide for the form of application for license. Such  
 4 application may be obtained in the office of the secretary  
 5 of state and filed therein. Upon approval of such  
 6 application and payment of the license fee of ten dollars  
 7 (\$10.00) to the secretary of state, a license shall be  
 8 issued which shall entitle the licensee to practice lobbying  
 9 on behalf of any one or more principals. ~~Each license shall~~  
 10 ~~expire on December 31 of each odd numbered year.~~ No  
 11 application shall be disapproved without affording the  
 12 applicant a hearing which shall be held and decision entered  
 13 within ten (10) days, of the date of filing of the  
 14 application. The license fees collected by the secretary of  
 15 state under this act shall be deposited by him in the state  
 16 treasury.

17 (2) Suspension or revocation of license. Upon verified  
 18 complaint in writing to the attorney general of the state of  
 19 Montana charging the holder of a license with having been  
 20 guilty of unprofessional conduct or with having procured his  
 21 license by fraud or perjury or through error, the attorney  
 22 general is hereby authorized to bring civil action in the  
 23 district court for Lewis and Clark county, state of Montana,  
 24 against the holder and in the name of the state as plaintiff  
 25 to revoke the license. Hearing shall be held by the court

1 unless the defendant-licensee demands a jury trial. The  
 2 trial shall be held as soon as possible and at least twenty  
 3 (20) days after the filing of the charges and shall take  
 4 precedence over all other matters pending before the court.  
 5 If the court finds for the plaintiff judgment shall be  
 6 rendered revoking the license, and the clerk of the court  
 7 shall file a certified copy of the judgment with the  
 8 secretary of state. The licensing authority may commence  
 9 any such action on his own motion.

10 (3) Suspension of lobbying privileges. No lobbyist  
 11 whose license has been suspended or revoked and no person  
 12 who has been convicted of a violation of any provision of  
 13 this act shall engage in any lobbying until he has been  
 14 reinstated to the practice of lobbying and duly licensed."

15 Section 7. Lobbyists must be registered and licensed.  
 16 A person employed or retained as a lobbyist shall register  
 17 with and be licensed by the secretary of state before doing  
 18 anything to influence legislation or administrative action.

19 Section 8. Information required upon registration.  
 20 Each lobbyist shall register by filing with the secretary of  
 21 state a recent three (3) inch by four (4) inch  
 22 black-and-white photograph of himself, a written  
 23 authorization to act as a lobbyist from each person by whom  
 24 he is employed or with whom he contracts, and a statement  
 25 containing:

48.10

1 (a) his full name, business address, and telephone  
2 number;

3 (b) the name and business address of each person by  
4 whom he is employed or with whom he contracts for lobbying  
5 purposes (his principal(s)), and the term of his employment  
6 or contract if known; and

7 (c) a listing of each state agency whose  
8 administrative actions he will attempt to influence as a  
9 substantial or regular portion of his activities as a  
10 lobbyist.

11 Section 9. License renewal. A licensed lobbyist may  
12 renew his registration by filing a new photograph,  
13 authorization, and registration statement prior to the  
14 opening of each regular session of the legislature.

15 Section 10. Amendments to registrations to be filed  
16 upon changes — termination. If any change occurs in any of  
17 the information contained in a registration statement, an  
18 appropriate amendment shall be filed within twenty days  
19 after the change. Each registered lobbyist shall file a  
20 notice of termination within thirty days after he ceases the  
21 activity which required his registration. He shall remain  
22 subject to the prohibitions against lobbyist contributions  
23 and gifts provided by this act for six months after filing  
24 his notice of termination.

25 Section 11. Section 43-805, R.C.M. 1947, is amended to

1 read as follows:

2 "43-805. Docket—contents—report to legislature—  
3 subjects of legislation—written authorization. (1) The  
4 secretary of state shall prepare and keep a docket in which  
5 shall be entered the name and business address of each  
6 lobbyist and the name and business address of his principal,  
7 and the subject or subjects of legislation or administrative  
8 action to which the employment relates or a statement that  
9 the employment relates to all matters in which the principal  
10 has an interest. Such docket shall be a public record and  
11 open to the inspection of any citizen upon demand at any  
12 time during the regular business hours of the office of the  
13 secretary of state. Beginning with the first week following  
14 the beginning of any regular or special session of the  
15 legislature and on every Tuesday thereafter for the duration  
16 of such session, the secretary of state shall from his  
17 records report to each house of the legislature the names of  
18 lobbyists registered under this act, not previously  
19 reported, the names of the persons whom they represent as  
20 such lobbyist, and subject of legislation in which they are  
21 interested.

22 (2) Any principal employing any lobbyist shall when  
23 further subjects of legislation or administrative action are  
24 introduced or arise which such lobbyist is to promote or  
25 oppose, make or cause to be made additional entries in the

1 docket stating such employment so that the docket will show  
2 at all times all subjects of legislation in relation to  
3 which the lobbyist is employed or the general statement  
4 provided above.

5 ~~(3) Within ten (10) days after his registration in the~~  
6 ~~docket, a lobbyist shall file with the secretary of state a~~  
7 ~~written authorization to act as such signed by his~~  
8 ~~principal.\*~~

9 Section 12. Lobbyists to establish expense account.  
10 Every lobbyist who incurs expenses or expects to incur  
11 expenses in connection with his activities as a lobbyist  
12 shall establish one or more accounts, each of which shall be  
13 designated by a name. All payments received by a lobbyist  
14 for the purpose of paying expenses incurred by him in  
15 connection with his activities as a lobbyist shall be  
16 deposited without delay into his account. A lobbyist may  
17 deposit other funds, including his own personal funds, into  
18 his account.

19 Section 13. All expenses to be paid from account.  
20 (a) Except as provided in subsection (b) of this section,  
21 no person shall pay any expense incurred by a lobbyist in  
22 connection with his activities as a lobbyist unless such  
23 payment is made directly from the lobbyist's account. Any  
24 lobbyist who makes a gift to an elected state official, a  
25 legislative official or an agency official is deemed to be

1 acting in connection with his activities as a lobbyist.

2 (b) The secretary of state shall promulgate  
3 regulations permitting the use of cash which has been  
4 withdrawn from a lobbyist's account to defray petty cash  
5 items.

6 Section 14. Periodic reports. Every lobbyist shall  
7 file periodic reports containing:

8 (1) the monetary value of all payments, including but  
9 not limited to salary, fees, and reimbursement of expenses,  
10 received in consideration for or directly or indirectly in  
11 support of or in connection with influencing legislative or  
12 administrative action, and the full name and address of each  
13 person from whom amounts or things of value have been  
14 received and the total monetary value received from each  
15 person;

16 (2) with respect to each account controlled by the  
17 lobbyist at any time during the period covered by the  
18 report:

19 (a) the name of the account;

20 (b) the amount deposited in the account during the  
21 period;

22 (c) the full name and address of each person who is  
23 the source of any amounts deposited into the account,  
24 together with the amount attributable to each source;

25 (d) the date and amount of each disbursement from the

1 account during the period, together with the full name and  
 2 address of the payee, a specific description of the  
 3 consideration, if any, for which the disbursement was made  
 4 and the full name and address or official position of the  
 5 beneficiary if the beneficiary is other than the payee or  
 6 the lobbyist. In the case of disbursements for gifts of  
 7 food and beverages the full name of the person and the  
 8 official position, if any, who received the food and  
 9 beverages, and the amount paid for each person shall be  
 10 stated. In the case of any disbursement which covers more  
 11 than one item, all information shall be shown that would be  
 12 required if a separate disbursement had been made for each  
 13 item. The commission may by regulation provide for the  
 14 reporting of overhead expenditures without detailed  
 15 itemization; and

16 (e) the cash balance of the account at the beginning  
 17 and end of the period covered by the report;

18 (3) with respect to expenses in furtherance of his  
 19 activities as a lobbyist paid out through the petty cash  
 20 fund, such information as the secretary of state may  
 21 require;

22 (4) the name and official position of each elective  
 23 state official, legislative official and agency official,  
 24 the name of each state candidate, and the name of each  
 25 member of the immediate family of any such official or

1 candidate with whom the lobbyist has engaged in an exchange  
 2 of money, goods, services or anything of value and the  
 3 nature and date of each such exchange and the monetary  
 4 values exchanged;

5 (5) the name and address of any business entity in  
 6 which the lobbyist knows or has reason to know that an  
 7 elective state official, legislative official, agency  
 8 official or state candidate is a proprietor, partner,  
 9 director, officer or manager, or has more than a fifty  
 10 percent (50%) ownership interest, with whom the lobbyist has  
 11 engaged in an exchange of money, goods, services or anything  
 12 of value and the nature and date of each exchange and the  
 13 monetary value exchanged, if the total value of such  
 14 exchanges is five hundred dollars (\$500) or more in a  
 15 calendar year;

16 (6) a specific description of legislative or  
 17 administrative action which the lobbyist has influenced or  
 18 attempted to influence, and the agencies involved, if any;

19 (7) any other information required by the secretary of  
 20 state consistent with the purposes and provisions of this  
 21 act.

22 Section 15. Principals shall file reports. Principals  
 23 shall file periodic reports containing:

24 (1) the name, business address and telephone number of  
 25 the person making the report;

1 (2) information sufficient to identify the nature and  
2 interests of the filer, including:

3 (a) if the filer is an individual, the name and  
4 address of his employer, if any, or his principal place of  
5 business if he is self-employed, and a description of the  
6 business activity in which he or his employer is engaged;

7 (b) if the filer is a business entity, a description  
8 of the business activity in which it is engaged;

9 (c) if the filer is an industry, trade or professional  
10 association, a description of the industry, trade or  
11 profession which it represents including a specific  
12 description of any portion or faction of the industry,  
13 trade, or profession which the association exclusively or  
14 primarily represents and, if the association has no more  
15 than fifty (50) members, the names of the members; and

16 (d) if the filer is not an individual, business entity  
17 or industry, trade or professional association, a statement  
18 of the person's nature and purposes, including a description  
19 of any industry, trade, profession or other group with a  
20 common economic interest which the person principally  
21 represents or from which its membership or financial support  
22 is principally derived;

23 (The information required by this subsection (2) need  
24 be stated only in the first report filed during a calendar  
25 year, except to reflect changes in the information

1 previously reported.)

2 (3) the total amount of payments to influence  
3 legislative and administrative action during the period, and  
4 the name and address of each person to whom such payments in  
5 an aggregate value of twenty-five dollars (\$25) or more have  
6 been made during the period by the filer, together with the  
7 date, amount, and a description of the consideration  
8 received for each such expenditure, and the name of the  
9 beneficiary of each expenditure if other than the filer or  
10 the payee;

11 (4) the name and official position of each elective  
12 state official, legislative official and agency official,  
13 the name of each state candidate, and the name of each  
14 member of the immediate family of any such official or  
15 candidate with whom the filer has engaged in an exchange of  
16 money, goods, services or anything of value and the nature  
17 and date of each such exchange and the monetary values  
18 exchanged, if the fair market value of either side of the  
19 exchange exceeded one thousand dollars (\$1,000);

20 (5) the name and address of any business entity in  
21 which the person making the report knows or has reason to  
22 know that an elective state official, legislative official,  
23 agency official or state candidate is a proprietor, partner,  
24 director, officer, manager, or has more than a fifty percent  
25 (50%) ownership interest, with whom the person making the

1 report has engaged in an exchange or exchanges of money,  
 2 goods, services or anything of value and the nature and date  
 3 of each such exchange and the monetary value exchanged, if  
 4 the total value of such exchanges is one thousand dollars  
 5 (\$1,000) or more in a calendar year;

6 (6) the date and amount of each contribution made by  
 7 the filer and the name of the recipient of each  
 8 contribution;

9 (7) a specific description of legislative or  
 10 administrative action which the person making the report has  
 11 attempted to influence;

12 (8) the name of each lobbyist employed or retained by  
 13 the person making the report, together with the total amount  
 14 paid to each lobbyist and the portion of that amount which  
 15 was paid for specific purposes, including salary, fees,  
 16 general expenses and any special expenses; and

17 (9) any other information required by the secretary of  
 18 state consistent with the purposes and provisions of this  
 19 act.

20 Section 16. When reports are required. The reports  
 21 required by sections 8 and 10 of this act shall be filed  
 22 during the month following each month during any part of  
 23 which the legislature was in session and during the month  
 24 following each calendar quarter. The period covered shall  
 25 be from the beginning of the calendar year through the last

1 day of the month prior to the month during which the report  
 2 is filed, except that the period covered shall not include  
 3 any months covered in previous reports filed by the same  
 4 person. When total amounts are required to be reported,  
 5 totals shall be stated both for the period covered by the  
 6 statement and for the entire calendar year to date.

7 Section 17. Report content to be published in the  
 8 journals. All information contained in reports filed  
 9 pursuant to this act shall be printed in a supplement to the  
 10 journals of the senate and house of representatives.

11 Section 18. Contributions and gifts by lobbyists  
 12 prohibited. (1) As used in this section:

13 (a) "Contribution" means a contribution made to a  
 14 state candidate, a committee supporting a state candidate,  
 15 or an elected state officer.

16 (b) "Gift" means a gift made directly or indirectly to  
 17 a state candidate, an elected state officer, a legislative  
 18 official, or an agency official.

19 (2) It is unlawful for a lobbyist to make a  
 20 contribution, or to act as an agent or intermediary in the  
 21 making of any contribution, or to arrange for the making of  
 22 any contribution by himself or by any other person.

23 (3) It is unlawful for a lobbyist to make gifts to one  
 24 (1) person aggregating more than ten dollars (\$10) in a  
 25 calendar month, or to act as an agent or intermediary in the



1 making of any gift, or to arrange for the making of any gift  
2 by any other person.

3 (4) It is unlawful for any person knowingly to receive  
4 any contribution or gift which is made unlawful by this act.

5 Section 19. Other prohibited acts. No lobbyist shall:

6 (1) do anything with the purpose of placing any  
7 elected state officer, legislative official, agency  
8 official, or state candidate under personal obligation to  
9 him or to his employer;

10 (2) deceive or attempt to deceive any elected state  
11 officer, legislative official, agency official, or state  
12 candidate with regard to any material fact pertinent to any  
13 pending or proposed legislative or administrative action;

14 (3) cause or influence the introduction of any bill or  
15 amendment thereto for the purpose of thereafter being  
16 employed to secure its passage or defeat;

17 (4) attempt to create a fictitious appearance of  
18 public favor or disfavor of any proposed legislative or  
19 administrative action or to cause any communication to be  
20 sent to any elected state officer, legislative official,  
21 agency official, or state candidate in the name of any  
22 fictitious person or in the name of any real person, except  
23 with the consent of that real person;

24 (5) represent falsely either directly or indirectly,  
25 that he can control the official action of any elected state

1 officer, legislative official, or agency official;

2 (6) accept or agree to accept any payment in any way  
3 contingent upon the defeat, enactment or outcome of any  
4 proposed legislative or administrative action.

5 Section 20. Conflict of interest prohibited. (1) No  
6 public official at any level of state or local government  
7 shall make, participate in making or in any way attempt to  
8 use his official position to influence a governmental  
9 decision in which he knows or has reason to know he has a  
10 financial interest.

11 (2) Subsection (1) of this section does not prevent  
12 any public official from making or participating in the  
13 making of a governmental decision to the extent his  
14 participation is legally required for the action or decision  
15 to be made. The fact that an official's vote is needed to  
16 break a tie does not make his participation legally required  
17 for purposes of this section.

18 (3) The requirements of this section are in addition  
19 to the requirements for disclosure of investments and his  
20 interests in real property and the standards promulgated  
21 under the conflict of interest codes required under this  
22 act.

23 (4) An official has a financial interest in a decision  
24 within the meaning of this section if it is reasonably  
25 foreseeable that the decision will have a material financial

1 effect, distinguishable from its effect on the public  
2 generally, on:

3 (a) any business entity in which the public official  
4 has a direct or indirect investment worth more than one  
5 thousand dollars (\$1,000);

6 (b) any real property in which the public official has  
7 a direct or indirect interest worth more than one thousand  
8 dollars (\$1,000);

9 (c) any source of income, other than loans by a  
10 commercial lending institution in the regular course of  
11 business, aggregating two hundred fifty dollars (\$250) or  
12 more in value received by or promised to the public official  
13 within twelve months prior to the time when the decision is  
14 made; or

15 (d) any business entity in which the public official  
16 is a director, officer, partner, trustee, employee, or holds  
17 any position of management.

18 (5) For purposes of this section, indirect investment  
19 or interest means any investment or interest owned by the  
20 spouse or dependent child of a public official, by an agent  
21 on behalf of a public official, by any business entity  
22 controlled by the public official or by a trust in which he  
23 has a substantial interest. A business entity is controlled  
24 by a public official if the public official, his agents,  
25 spouse and dependent children hold more than fifty percent

1 (50%) of the ownership interest in the entity. A public  
2 official has a substantial interest in a trust when the  
3 official, his spouse and dependent children have a present  
4 or future interest worth more than one thousand dollars  
5 (\$1,000).

6 Section 21. Disclosure of interests required—when—  
7 what. (1) This section is applicable to elected state  
8 officers, members of the board of county commissioners,  
9 mayors, city managers, chief administrative officers and  
10 members of city councils of cities, and to candidates for  
11 any of these offices at any election.

12 (2) Every candidate for an office specified in  
13 subsection (1) of this section shall file with his  
14 declaration of candidacy a statement disclosing his  
15 investments and his interests in real property.

16 (3) Every person who is elected to an office specified  
17 in subsection (1) of this section shall, within thirty days  
18 after assuming such office, file a statement disclosing his  
19 investments and his interests in real property. Every  
20 person who is appointed to an office specified in subsection  
21 (1) of this section shall file such a statement not less  
22 than ten (10) days prior to assuming office. Persons who  
23 hold an office mentioned in subsection (1) of this section  
24 on the effective date of this act shall file such a  
25 statement within thirty days after the effective date of

1 this act.

2 (4) Every person who holds an office specified in  
3 subsection (1) of this section shall, within thirty days  
4 after each anniversary of assuming office, file a statement  
5 disclosing his investments, his interests in real property  
6 and his income during the period since the previous  
7 statement filed under this section. The statement shall  
8 include any investments and interests in real property held  
9 at any time during the period covered by the statement,  
10 whether or not they are still held at the time of filing.

11 (5) Every person who leaves an office specified in  
12 subsection (1) of this section shall, within thirty days  
13 after leaving the office, file a statement disclosing his  
14 investments, his interests in real property, and his income  
15 during the period since the previous statement filed under  
16 this section. The statement shall include any investments  
17 and interests in real property held at any time during the  
18 period covered by the statement, whether or not they are  
19 still held at the time of filing.

20 (6) (a) For purposes of determining the anniversary  
21 of assuming an office, the date on which the term of office  
22 began is deemed the date of assuming office, whether or not  
23 the person holding the office actually assumed the office on  
24 that date.

25 (b) A person who completes a term of an office

1 specified in this section and on the same day begins a term  
2 of the same office or another such office of the same  
3 jurisdiction is not deemed to assume office or leave office.  
4 The day on which the new term begins shall be deemed an  
5 anniversary of assuming the office.

6 (7) When an investment or an interest in real property  
7 is required to be disclosed under this article, the  
8 statement shall contain:

9 (a) a statement of the nature of the investment or  
10 interest;

11 (b) the name of the business entity in which each  
12 investment is held, and a general description of the  
13 business activity in which the business entity is engaged;

14 (c) the address or other precise location of the real  
15 property;

16 (d) a statement whether the fair market value of the  
17 investment or interest in real property exceeds ten thousand  
18 dollars (\$10,000), and whether it exceeds one hundred  
19 thousand dollars (\$100,000). This information need not be  
20 provided with respect to an interest in real property which  
21 is used principally as the residence of the filer;

22 (e) in the case of an investment which constitutes  
23 fifty percent (50%) or more of the ownership interest in a  
24 business entity, disclosure of the investments and interests  
25 in real property of the business entity;

1 (f) if an investment or interest in real property was  
2 partially or wholly acquired or disposed of during the  
3 period covered by the statement, the date of acquisition or  
4 disposal.

5 (8) (a) When income is required to be reported under  
6 this section, the statement shall contain:

7 (i) the name and address of each source of income  
8 aggregating two hundred fifty dollars (\$250) or more in  
9 value, or twenty-five dollars (\$25) or more in value if the  
10 income was a gift, and a general description of the business  
11 activity, if any, of each source;

12 (ii) a statement whether the aggregate value of income  
13 from each source was greater than one thousand dollars  
14 (\$1,000), and whether it was greater than ten thousand  
15 dollars (\$10,000);

16 (iii) a description of the consideration, if any, for  
17 which the income was received;

18 (iv) in the case of a gift, the amount and the date on  
19 which the gift was received.

20 (b) when income of a business entity, including income  
21 of a sole proprietorship, is required to be reported under  
22 this section, the statement shall contain:

23 (i) the name, address, and a general description of  
24 the business activity of the business entity;

25 (ii) in the case of a business entity which provides

1 legal or brokerage services, the name of every person who  
2 paid fees to the business entity if the filer's pro rata  
3 share of fees from such person was equal to or greater than  
4 one thousand dollars (\$1,000);

5 (iii) in the case of a business entity not covered by  
6 subsection (8) (b) (ii) of this section, the name of every  
7 person from whom the business entity received payments if  
8 the filer's pro rata share of gross receipts from such  
9 person was equal to or greater than ten thousand dollars  
10 (\$10,000) during a calendar year.

11 Section 22. Conflict of interest codes required.

12 (1) Every agency shall adopt and promulgate a conflict of  
13 interest code pursuant to the provisions of this section. A  
14 conflict of interest code shall have the force of law and  
15 any violation of a conflict of interest code by a designated  
16 employee is a violation of this chapter.

17 (2) It is the policy of this act that conflict of  
18 interest codes shall be formulated at the most decentralized  
19 level possible, but without precluding intra-departmental  
20 review. Any question of the level of a department which  
21 should be deemed an "agency" for purposes of this section  
22 shall be resolved by the code reviewing body.

23 (3) Each conflict of interest code shall contain the  
24 following provisions:

25 (a) specific enumeration of the positions within the

1 agency which involve the making or participation in the  
2 making of decisions which may foreseeably have a material  
3 effect on any financial interest;

4 (b) requirements that each designated employee file  
5 annual statements disclosing reportable investment,  
6 interests in real property and income. The conflict of  
7 interest code shall set forth for each position or category  
8 of positions enumerated under subsection (a) of this section  
9 the specific types of investments, interests in real  
10 property and income which are reportable and the manner of  
11 reporting each item. An investment, interest in real  
12 property or income shall be made reportable by the conflict  
13 of interest code if the business entity in which the  
14 investment is held, the interest in real property, or the  
15 income or source of income may foreseeably be affected  
16 materially by any decision made or participated in by the  
17 designated employee by virtue of his position. The manner  
18 of reporting reportable items shall be substantially  
19 equivalent to the requirements of section 2 of this act.  
20 The first statement filed under this section by a designated  
21 employee shall disclose any reportable investments and  
22 interests in real property. Statements shall be filed by  
23 each designated employee within thirty (30) days after the  
24 effective date of the conflict of interest code.  
25 Thereafter, new civil service designated employees shall

1 file statements within thirty (30) days after assuming  
2 office. All other new designated employees shall file  
3 statements not less than ten (10) days before assuming  
4 office or, if subject to confirmation, ten (10) days before  
5 being confirmed, unless an earlier assumption of office is  
6 required by emergency circumstances. The provisions of the  
7 conflict of interest code adopted under this subsection  
8 shall not be applicable to any designated employee who is  
9 covered by section 2 of this act.

10 (c) specific provisions setting forth any  
11 circumstances under which designated employees or categories  
12 of designated employees must disqualify themselves from  
13 making or participating in the making of any decision.  
14 Disqualification shall be required by the conflict of  
15 interest code when the designated employee has a financial  
16 interest as defined in subsection (4), which it is  
17 reasonably foreseeable may be affected materially by the  
18 decision. No designated employee shall be required to  
19 disqualify himself with respect to any matter which could  
20 not legally be acted upon or decided without his  
21 participation.

22 (4) No conflict of interest code shall be effective  
23 until it has been approved by the code reviewing body. Each  
24 agency shall submit a proposed conflict of interest code to  
25 the code reviewing body by the deadline established for the

1 agency by the code reviewing body. The deadline for any  
 2 agency in existence on April 1, 1975, shall not be earlier  
 3 than April 1, 1976. The deadline for any agency not in  
 4 existence on April 1, 1975, shall be six (6) months after it  
 5 comes into existence. Within ninety (90) days after  
 6 receiving the proposed code or receiving any proposed  
 7 amendments or revisions, the code reviewing body shall:

8 (a) approve the proposed code as submitted;

9 (b) revise the proposed code and approve it as  
 10 revised; or

11 (c) return the proposed code to the agency for  
 12 revision and resubmission within sixty (60) days. The code  
 13 reviewing body shall either approve the revised code or  
 14 revise it and approve it. When a proposed conflict of  
 15 interest code or amendment is approved by the code reviewing  
 16 body, it shall be deemed adopted and shall be promulgated by  
 17 the agency.

18 (5) If any agency fails to submit a proposed conflict  
 19 of interest code or amendments within the time limits  
 20 prescribed pursuant to subsection (4) or (7), the code  
 21 reviewing body may issue any appropriate order directed to  
 22 the agency or take any other appropriate action, including  
 23 the adoption of a conflict of interest code for the agency.

24 (6) If after six (6) months following the deadline for  
 25 submission of the proposed conflict of interest code to the

1 code reviewing body no conflict of interest code has been  
 2 adopted and promulgated, the district court may, in an  
 3 action filed by the agency, the code reviewing body, any  
 4 officer, employee, member or consultant of the agency, or  
 5 any resident of the jurisdiction, prepare a conflict of  
 6 interest code and order its adoption by the agency or grant  
 7 any other appropriate relief. The agency and the code  
 8 reviewing body shall be parties to any action filed pursuant  
 9 to this section.

10 (7) Every agency shall amend its conflict of interest  
 11 code, subject to the provisions of subsection (4), when  
 12 change is necessitated by changed circumstances, including  
 13 the creation of new positions which must be designated  
 14 pursuant to subsection (3) (a) and relevant changes in the  
 15 duties assigned to existing positions. Proposals for  
 16 amendments or revisions shall be submitted to the code  
 17 reviewing body within ninety (90) days after the changed  
 18 circumstances necessitating the amendments have become  
 19 apparent. If after nine (9) months following the occurrence  
 20 of such changes the conflict of interest code has not been  
 21 amended or revised, the superior court may issue any  
 22 appropriate order in an action brought under the procedures  
 23 set forth in subsection (6).

24 (8) An agency may at any time amend its conflict of  
 25 interest code, subject to the provisions of subsection (4),

1 either upon its own initiative or in response to a petition  
 2 submitted by an officer, employee, member or consultant of  
 3 the agency, or a resident of the jurisdiction. If the  
 4 agency fails to act upon such a petition within ninety (90)  
 5 days, the petition shall be deemed denied. Within thirty  
 6 (30) days after the denial of a petition, the petitioner may  
 7 appeal to the code reviewing body. The code reviewing body  
 8 shall either dismiss the appeal or issue an appropriate  
 9 order to the agency within ninety (90) days.

10 (9) Judicial review of any action of a code reviewing  
 11 body under this chapter may be sought by the agency, by an  
 12 officer, employee, member or consultant of the agency, or by  
 13 a resident of the jurisdiction.

14 (10) No conflict of interest code or amendment shall  
 15 be approved by the code reviewing body or upheld by a court  
 16 if it:

17 (a) fails to provide reasonable assurance that all  
 18 foreseeable potential conflict of interest situations will  
 19 be disclosed or prevented;

20 (b) fails to provide to each affected person a clear  
 21 and specific statement of his duties under the code; or

22 (c) fails to adequately differentiate between  
 23 designated employees with different powers and  
 24 responsibilities.

25 (11) If the duties of a designated employee are so

1 broad or indefinable that the requirements of subsection  
 2 (10) cannot be complied with, the conflict of interest code  
 3 shall require the designated employee to comply with the  
 4 requirements of section 2 of this act.

5 (12) The review of proposed conflict of interest codes  
 6 by the secretary of state and by the attorney general and  
 7 the preparation of proposed conflict of interest codes by  
 8 state agencies shall be subject to the Montana  
 9 Administrative Procedure Act. The review and preparation of  
 10 conflict of interest codes by local government agencies  
 11 shall be carried out under procedures which guarantee to  
 12 officers, employees, members, and consultants of the agency  
 13 and to residents of the jurisdiction adequate notice and a  
 14 fair opportunity to present their views.

15 (13) The secretary shall, upon request, provide  
 16 technical assistance to agencies in the preparation of  
 17 conflict of interest codes. Such assistance may include the  
 18 preparation of model provisions for various types of  
 19 agencies. Nothing in this section shall relieve each agency  
 20 of the responsibility for adopting a conflict of interest  
 21 code appropriate to its individual circumstances.

22 (14) As used in this section, the term "code reviewing  
 23 body" means:

24 (a) the attorney general with respect to the conflict  
 25 of interest code of a state agency, a board of county

1 commissioners, a city council or commission;

2 (b) the governor with respect to the department of  
3 justice;

4 (c) the board of county commissioners with respect to  
5 the conflict of interest code of any county agency within  
6 the county; and

7 (d) the city council with respect to the conflict of  
8 interest codes of city agencies.

9 Section 23. Report auditing. (1) Except as provided  
10 in subsection (6) of this section, the department of revenue  
11 shall make audits and field investigations with respect to  
12 reports and statements filed with the secretary of state  
13 under Title 23, R.C.M. 1947.

14 (2) Audits and investigations shall be made pursuant  
15 to this section with respect to the reports and statements  
16 of:

17 (a) each candidate who has received more than fifteen  
18 percent of the total vote cast for the office for which he  
19 was running in either a general or special election;

20 (b) each candidate running in a primary, general, or  
21 special election for whom the department of revenue  
22 determines more than twenty-five thousand dollars (\$25,000)  
23 of expenditures have been made, whether by the candidate or  
24 by a committee or committees supporting his candidacy;

25 (c) each committee, other than a committee defined in

1 section 1 (8) (c), supporting one or more such candidates,  
2 insofar as its reports and statements relate to the support  
3 of such candidates;

4 (d) each committee, other than a committee defined in  
5 section 1 (8) (c), which is required to register or file  
6 reports or statements with the secretary of state, and which  
7 the department of revenue determines has spent more than ten  
8 thousand dollars (\$10,000) during any calendar year.

9 (3) (a) No audit or investigation of any candidate or  
10 committee in connection with a report or statement required  
11 by Title 23, R.C.M. 1947, may begin until after the last  
12 date for filing the first report or statement following the  
13 general or special election for the office for which the  
14 candidate ran, or following the election at which the  
15 measure was adopted or defeated. When the campaign  
16 statements of a candidate or a committee supporting a  
17 candidate are audited and investigated, the audit and  
18 investigation shall cover all campaign statements filed in  
19 connection with the primary and general or special elections  
20 and any previous campaign statement filed pursuant to law  
21 since the last campaign statement filed in connection with  
22 an election.

23 (b) The department of revenue shall determine from its  
24 audit and investigation if there is probable cause to  
25 believe that any candidate, committee or proponent of a



1 state measure has exceeded the limitations provisions of  
2 this act. Any such finding shall be reported to the  
3 secretary of state and the attorney general.

4 (4) In addition to the audits and investigations  
5 required by this section, the department of revenue and the  
6 secretary of state may make investigations and audits with  
7 respect to any reports or statements required by Title 23,  
8 R.C.M. 1947.

9 (5) The department of revenue shall periodically  
10 prepare reports which shall be sent to the secretary of  
11 state and the attorney general. The reports of the  
12 department of revenue shall be public documents and shall  
13 contain in detail the department's findings with respect to  
14 the accuracy and completeness of each report and statement  
15 reviewed and its findings with respect to any report or  
16 statement that should have been but was not filed.

17 (6) No member, employee or agent of the department of  
18 revenue may divulge or make known in any manner any  
19 particulars of any record, documents, or information that he  
20 receives by virtue of this act, except in furtherance of the  
21 work of the department or in connection with any court  
22 proceeding or any lawful investigation of any agency.

23 (7) Audits and field investigations of candidates for  
24 governor and of committees supporting such candidates shall  
25 be made by the secretary of state instead of the department

1 of revenue.

2 Section 24. Penalties. (1) Any person who knowingly  
3 or willfully violates any provision of this act is guilty of  
4 a misdemeanor.

5 (2) In addition to other penalties provided by law, a  
6 fine of up to the greater of ten thousand dollars (\$10,000)  
7 or three (3) times the amount the person failed to report  
8 properly or unlawfully contributed, expended, gave or  
9 received may be imposed upon conviction for each violation.

10 (3) Prosecution for violation of this title must be  
11 commenced within two (2) years after the date on which the  
12 violation occurred.

13 Section 25. Responsibilities for prosecutions.

14 (1) The attorney general is responsible for enforcing the  
15 criminal provisions of this act with respect to state  
16 agencies and state elections. The city and county attorneys  
17 of any city or county in which a violation occurs have  
18 concurrent powers and responsibilities with the attorney  
19 general.

20 (2) The civil prosecutor is primarily responsible for  
21 enforcement of the civil penalties and remedies of this  
22 title. The civil prosecutor is the secretary of state with  
23 respect to the state or any state agency, the city attorney  
24 with respect to a city or city agency, and the county  
25 attorney with respect to any other agency. The civil

1 prosecutor may bring any civil action under this title which  
2 could be brought by a voter or resident of the jurisdiction.

3 Section 26. Misdemeanant not to be candidate. No  
4 person convicted of a misdemeanor under this act shall be a  
5 candidate for any elective office or act as a lobbyist for a  
6 period of four (4) years following the date of the  
7 conviction unless the court at the time of sentencing  
8 specifically determines that this provision shall not be  
9 applicable. A plea of nolo contendere shall be deemed a  
10 conviction for purposes of this section. Any person  
11 violating this section is guilty of a felony.

12 Section 27. Resident suits to enjoin violations.  
13 (1) Any person residing in the jurisdiction may sue for  
14 injunctive relief to enjoin violations or to compel  
15 compliance with the provisions of this act. The court may  
16 in its discretion require the plaintiff to file a complaint  
17 with the secretary of state prior to seeking injunctive  
18 relief. The court may award to a plaintiff or defendant who  
19 prevails his costs of litigation, including reasonable  
20 attorney's fees.

21 (2) Upon a preliminary showing in an action brought by  
22 a person residing in the jurisdiction that a violation of  
23 this act or of a disqualification provision of a conflict of  
24 interest code has occurred, the court may restrain the  
25 execution of any official action in relation to which such a

1 violation occurred, pending final adjudication. If it is  
2 ultimately determined that a violation has occurred and that  
3 the official action might not otherwise have been taken or  
4 approved, the court may set the official action aside as  
5 void. The official actions covered by this subsection  
6 include but are not limited to orders, permits, resolutions  
7 and contracts, but do not include the enactment of any state  
8 legislation. In considering the granting of preliminary or  
9 permanent relief under this subsection, the court shall  
10 accord due weight to any injury that may be suffered by  
11 innocent persons relying on the official action.

12 Section 28. Agency discipline for conflict of interest  
13 violations. Any person who violates a provision relating to  
14 the conflict of interest codes is subject to discipline by  
15 his agency, including dismissal, consistent with any  
16 applicable personnel laws, regulations, and procedures.

17 Section 29. Civil liability for reporting violations.  
18 Any person who intentionally or negligently violates any of  
19 the reporting requirements of this act shall be liable in a  
20 civil action brought by the civil prosecutor or by a person  
21 residing within the jurisdiction for an amount not more than  
22 the amount or value not properly reported.

23 Section 30. Other civil liability. (1) Any person who  
24 makes or receives a contribution, gift or expenditure in  
25 violation of this act, or makes an expenditure in violation

1 of this act is liable in a civil action brought by the civil  
 2 prosecutor or by a person residing within the jurisdiction  
 3 for an amount up to five hundred dollars (\$500) or three  
 4 times the amount of the unlawful contribution, gift or  
 5 expenditure, whichever is greater.

6 (2) Any designated employee who realizes an economic  
 7 benefit as a result of a violation of a disqualification  
 8 provision of a conflict of interest code is liable in a  
 9 civil action brought by the civil prosecutor or by a person  
 10 residing within the jurisdiction for an amount up to three  
 11 times the value of the benefit.

12 Section 31. Joint liability. If two or more persons  
 13 are responsible for any violation, they shall be jointly and  
 14 severally liable.

15 Section 32. Requests for action to be filed. Any  
 16 person, before filing a civil action pursuant to this act,  
 17 must first file with the civil prosecutor a written request  
 18 for the civil prosecutor to commence the action. The  
 19 request shall include a statement of the grounds for  
 20 believing a cause of action exists. The civil prosecutor  
 21 shall respond within forty (40) days after receipt of the  
 22 request, indicating whether he intends to file a civil  
 23 action. If the civil prosecutor indicates in the  
 24 affirmative, and files suit within forty (40) days  
 25 thereafter, no other action may be brought unless the action

1 brought by the civil prosecutor is dismissed without  
 2 prejudice as provided for in this act.

3 Section 33. Advancement on docket—dismissal without  
 4 prejudice. Not more than one judgment on the merits with  
 5 respect to any violation may be obtained under this act.  
 6 Actions brought for the same violation or violations shall  
 7 have precedence for purposes of trial in order of the time  
 8 filed. Such actions shall be dismissed once judgment has  
 9 been entered or a settlement approved by the court in a  
 10 previously filed action. The court may dismiss a pending  
 11 action without prejudice to any other action for failure of  
 12 the plaintiff to proceed diligently and in good faith. The  
 13 action may be so dismissed on motion of the civil prosecutor  
 14 or any plaintiff in an action based on the same violation.

15 Section 34. Amount of liability—disposition of  
 16 recovered amounts. In determining the amount of liability  
 17 under this act, the court may take into account the  
 18 seriousness of the violation and the degree of culpability  
 19 of the defendant. If a judgment is entered against the  
 20 defendant or defendants in an action brought under this act,  
 21 the plaintiff shall receive fifty percent (50%) of the  
 22 amount recovered. The remaining fifty percent (50%) shall  
 23 be deposited in the general fund of the state. In an action  
 24 brought by the civil prosecutor, the entire amount recovered  
 25 shall be paid to the general fund or treasury of the

1 jurisdiction.

2 Section 35. Civil prosecution requests made after  
3 audit. No request to the civil prosecutor pursuant to this  
4 act shall be made or filed in connection with a required  
5 report or statement until the time when an audit and  
6 investigation could be begun.

7 Section 36. Limitation on actions. No action shall be  
8 filed under this act more than two years after the first day  
9 on which a request to the civil prosecutor could be filed.

10 Section 37. Costs of litigation may be awarded. The  
11 court may award to a plaintiff or defendant other than an  
12 agency, who prevails in any action authorized by this act  
13 his costs of litigation, including reasonable attorney's  
14 fees. On motion of any party, a court shall require a  
15 private plaintiff to post a bond in a reasonable amount at  
16 any stage of the litigation to guarantee payment of costs.

17 Section 38. Liability to filing offices. If any person  
18 files a statement or report, or a copy of a statement or  
19 report, after any deadline imposed by this act, he shall, in  
20 addition to any other penalties or remedies established by  
21 this act, be liable to the filing officer or other officer  
22 with whom the copy is required to be filed for the amount of  
23 ten dollars (\$10) per day after the deadline until the  
24 statement or report is filed. The officer shall deposit any  
25 funds received under this section into the general fund of

1 the jurisdiction of which he is an officer. No liability  
2 under this section shall exceed the cumulative amount stated  
3 in the late statement or report, or one hundred dollars  
4 (\$100), whichever is greater.

5 Section 39. Act not to release liability under other  
6 law. Nothing in this chapter shall exempt any person from  
7 applicable provisions of any other laws of this state.

8 Section 40. Repealer. Sections 23-4727, 23-4728, and  
9 43-806, R.C.M. 1947, are repealed.

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 670

INTRODUCED BY VINCENT, HARPER, PALMER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR GENERAL  
POLITICAL--REFORM--IN--MATTERS--CONCERNING CAMPAIGN EXPENDITURE  
LIMITS, LOBBYING,--CONFLICTS--OF--INTEREST--OF--ELECTED--AND  
EMPLOYED--GOVERNMENT--PERSONNEL,--AND--AUDITING--OF--CAMPAIGN  
REPORTS--AND--RELATED--MATTERS; PROVIDING PENALTIES; PROVIDING  
FOR--ENFORCEMENT,--AMENDING--SECTIONS--43-802,--43-803,--AND  
43-805,--R.C.M.,--1947, AND REPEALING SECTIONS--23-4727,  
23-4728, AND 43-806, R.C.M. 1947, AND PROVIDING AN EFFECTIVE  
DATE."

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

REFER TO FIRST READING

(Strike everything after the enacting clause and insert:)

Section 1. Limitation on expenditures. Aggregate funds  
expended and obligations incurred by a candidate and any  
other person or organization, including a campaign  
treasurer, deputy campaign treasurer, political committee,  
or political party, on behalf of the nomination or election  
of the candidate (with the knowledge and authorization of  
the candidate or his campaign treasurer) for any of the  
offices enumerated below, may not exceed the following  
amounts:

(1) For candidates filed jointly for the offices of  
governor and lieutenant governor, the maximum allowable  
joint expenditure of funds by or on behalf of any such  
candidates shall be the following:

(a) For the primary election, an amount not to exceed  
sixty thousand dollars (\$60,000);

(b) For the general election, an amount not to exceed  
one hundred twenty thousand dollars (\$120,000).

(2) For candidates to be elected for office in a  
statewide election, other than governor and lieutenant  
governor, the maximum allowable expenditure of funds by or  
on behalf of any candidate shall be the following:

(a) For the primary election, an amount not to exceed  
fifteen thousand dollars (\$15,000);

(b) For the general election, an amount not to exceed  
thirty thousand dollars (\$30,000).

(3) For candidates to be elected to the office of  
public service commissioner, the maximum allowable  
expenditure of funds by or on behalf of any candidate shall  
be the following:

(a) For the primary election, an amount not to exceed  
five thousand dollars (\$5,000);

(b) For the general election, an amount not to exceed  
ten thousand dollars (\$10,000).

(4) For candidates to be elected to the office of

1 district court judge, the maximum allowable expenditure of  
2 funds by or on behalf of any candidate shall be the  
3 following:

4 (a) For the primary election; an amount not to exceed  
5 two thousand five hundred dollars (\$2,500);

6 (b) For the general election, an amount not to exceed  
7 five thousand dollars (\$5,000).

8 (5) For candidates to be elected to the office of  
9 state senator, the maximum allowable expenditure of funds by  
10 or on behalf of any candidate shall be the following:

11 (a) For the primary election, an amount not to exceed  
12 seven hundred fifty dollars (\$750);

13 (b) For the general election, an amount not to exceed  
14 one thousand five hundred dollars (\$1,500).

15 (b) For candidates to be elected to the state house of  
16 representatives, the maximum allowable expenditure of funds  
17 by or on behalf of any candidate shall be the following:

18 (a) For the primary election, an amount not to exceed  
19 five hundred dollars (\$500);

20 (b) For the general election, an amount not to exceed  
21 one thousand dollars (\$1,000).

22 (7) Expenditures for a candidates' travel, food, and  
23 lodging are exempted from the expenditure limitation for  
24 candidates covered by subsections (3), (4), (5), and (6) of  
25 this section.

1 (8) Expenditures may be made directly by any political  
2 committee for obtaining time, space, or services in or by  
3 any communications medium for the purpose of jointly  
4 endorsing more than one (1) candidate, political committee,  
5 or issue. Such expenditures shall be considered  
6 expenditures on behalf of the several candidates, political  
7 committees, or issues equally divided among them.

8 (9) Payments made for the purpose of registering  
9 voters or for bringing voters to the polling place are not  
10 expenditures within the meaning of this act. This section  
11 does not affect the duty to disclose such payments under  
12 other requirements in law.

13 (10) Expenditures incurred by an independent committee  
14 for communication directed to its own members are not  
15 included within the limitations of this act. For purposes  
16 of this section, an independent committee means a committee  
17 which is not controlled either directly or indirectly by a  
18 candidate or a candidate's committee, and which does not act  
19 jointly with a candidate or a candidate's committee in  
20 conjunction with the making of expenditures.

21 Section 2. Aggregate expenditures in support of or in  
22 opposition to a statewide ballot issue shall not exceed the  
23 amounts set forth in section 1, subsection (2)(b) of this  
24 act.

25 Section 3. Penalty. (1) A person who violates any

1 provision of this act is guilty of a misdemeanor, shall be  
2 prosecuted under section 23-4761, and upon conviction is  
3 subject to the penalties provided in section 23-4769.

4 (2) In addition, a person convicted of a misdemeanor  
5 under this act may not be a candidate for any elective  
6 office for four (4) years following conviction, unless the  
7 court at the time of sentencing specifically determines that  
8 the forfeiture provision is not applicable. A plea of no  
9 contest shall be considered a conviction for purposes of  
10 this section.

11 (3) A person violating subsection (2) of this section  
12 is guilty of a felony.

13 Section 4. Section 23-4728, R.C.M. 1947, is repealed.

14 Section 5. Effective date. This act shall become  
15 effective on January 1, 1976, and the limitations imposed by  
16 this act shall apply to all elections held after that date.

-End-

1 HOUSE BILL NO. 670

2 INTRODUCED BY VINCENT, HARPER, PALMER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ~~GENERAL~~  
5 ~~POLITICAL--REFORM-IN-MATTERS-CONCERNING~~ CAMPAIGN EXPENDITURE  
6 ~~LIMITS, LOBBYING,--CONFLICTS--OF--INTEREST--OF--ELECTED--AND~~  
7 ~~EMPLOYED--GOVERNMENT--PERSONNEL,--AND--AUDITING--OF--CAMPAIGN~~  
8 ~~REPORTS-AND-RELATED-MATTERS; PROVIDING PENALTIES; PROVIDING~~  
9 ~~FOR--ENFORCEMENT,--AMENDING--SECTIONS--43-802,--43-803,--AND~~  
10 ~~43-805,--R.C.M.--1947, AND REPEALING SECTIONS SECTION 23-4727,~~  
11 ~~23-4728, AND 43-806~~ R.C.M. 1947, AND PROVIDING AN EFFECTIVE  
12 DATE."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 REFER TO FIRST READING

16 (Strike everything after the enacting clause and insert:)

17 Section 1. Limitation on expenditures. Aggregate funds  
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20 treasurer, deputy campaign treasurer, political committee,  
21 or political party, on behalf of the nomination or election  
22 of the candidate (with the knowledge and authorization of  
23 the candidate or his campaign treasurer) for any of the  
24 offices enumerated below, may not exceed the following  
25 amounts:

1 (1) For candidates filed jointly for the offices of  
2 governor and lieutenant governor, the maximum allowable  
3 joint expenditure of funds by or on behalf of any such  
4 candidates shall be the following:

5 (a) For the primary election, an amount not to exceed  
6 sixty thousand dollars (\$60,000);

7 (b) For the general election, an amount not to exceed  
8 one hundred twenty thousand dollars (\$120,000).

9 (2) For candidates to be elected for office in a  
10 statewide election, other than governor and lieutenant  
11 governor, the maximum allowable expenditure of funds by or  
12 on behalf of any candidate shall be the following:

13 (a) For the primary election, an amount not to exceed  
14 fifteen thousand dollars (\$15,000);

15 (b) For the general election, an amount not to exceed  
16 thirty thousand dollars (\$30,000).

17 (3) For candidates to be elected to the office of  
18 public service commissioner, the maximum allowable  
19 expenditure of funds by or on behalf of any candidate shall  
20 be the following:

21 (a) For the primary election, an amount not to exceed  
22 five thousand dollars (\$5,000);

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24 ten thousand dollars (\$10,000).

25 (4) For candidates to be elected to the office of



1 district court judge, the maximum allowable expenditure of  
2 funds by or on behalf of any candidate shall be the  
3 following:

4 (a) For the primary election, an amount not to exceed  
5 two thousand five hundred dollars (\$2,500);

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7 five thousand dollars (\$5,000).

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9 state senator, the maximum allowable expenditure of funds by  
10 or on behalf of any candidate shall be the following:

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19 five hundred dollars (\$500);

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23 lodging are exempted from the expenditure limitation for  
24 candidates covered by subsections (3), (4), (5), and (6) of  
25 this section.

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3 any communications medium for the purpose of jointly  
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5 or issue. Such expenditures shall be considered  
6 expenditures on behalf of the several candidates, political  
7 committees, or issues equally divided among them.

8 (9) Payments made for the purpose of registering  
9 voters or for bringing voters to the polling place are not  
10 expenditures within the meaning of this act. This section  
11 does not affect the duty to disclose such payments under  
12 other requirements in law.

13 (10) Expenditures incurred by an independent committee  
14 for communication directed to its own members are not  
15 included within the limitations of this act. For purposes  
16 of this section, an independent committee means a committee  
17 which is not controlled either directly or indirectly by a  
18 candidate or a candidate's committee, and which does not act  
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1 provision of this act is guilty of a misdemeanor, shall be  
2 prosecuted under section 23-4761, and upon conviction is  
3 subject to the penalties provided in section 23-4769.

4 (2) In addition, a person convicted of a misdemeanor  
5 under this act may not be a candidate for any elective  
6 office for four (4) years following conviction, unless the  
7 court at the time of sentencing specifically determines that  
8 the forfeiture provision is not applicable. A plea of no  
9 contest shall be considered a conviction for purposes of  
10 this section.

11 ~~(3)--A person violating subsection (2) of this section~~  
12 ~~is guilty of a felony.~~

13 Section 4. Section 23-4728, R.C.M. 1947, is repealed.

14 Section 5. Effective date. This act shall become  
15 effective on January 1, 1976, and the limitations imposed by  
16 this act shall apply to all elections held after that date.

-End-

March 25, 1975

SENATE COMMITTEE ON JUDICIARY

AMENDMENTS TO HOUSE BILL NO. 670

That House Bill No. 670, third reading, be amended as follows:

1. Amend title, line 8.  
Following: "MATTERS"  
Strike: "; PROVIDING PENALTIES;"
2. Amend title, line 10.  
Following: "1947"  
Strike: "AND REPEALING"
3. Amend title, line 10.  
Following: "SECTIONS"  
Strike: "SECTION"
4. Amend title, line 11.  
Following: line 10  
Strike: "23-4728,"
5. Amend title, line 11.  
Following: "43-8067"  
Strike: "R.C.M. 1947 "
6. Amend page 3, section 1, line 22.  
Following: "(7)"  
Strike: "Expenditures"  
Insert: "Payments made"
7. Amend page 3, section 1, lines 23 through 25.  
Following: "expenditure"  
Strike: lines 23 through 25 in their entirety  
Insert: "limitations, except travel for candidates in subsection (1) of this section."
8. Amend page 4, section 1, lines 8 through 12.  
Following: line 7  
Strike: lines 8 through 12 in their entirety  
Re-number: Subsequent subsection
9. Amend page 4, section 2, lines 21 through line 13 on page 5.  
Following: line 20  
Strike: Sections 2 through Section 4 in their entirety  
Re-number: Subsequent section