

1 *Senate* BILL NO. *402*
 2 INTRODUCED BY *Edwards, Daily, Cetrone, Romney, Manly*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ENTITLED "THE JUDICIAL
 5 OFFICE CAMPAIGN FINANCE ACT" TO PROVIDE A METHOD OF PUBLIC
 6 FINANCING OF JUDICIAL CAMPAIGNS; INCREASING THE ATTORNEYS'
 7 LICENSE TAX; CREATING A JUDICIAL OFFICE CAMPAIGN ACCOUNT IN
 8 THE EARMARKED REVENUE FUND; PROVIDING CONTROLS AND ALLOWABLE
 9 EXPENDITURES; AMENDING SECTIONS 93-2010 AND 93-2011, R.C.M.
 10 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Short title. This act may be cited as "The
 14 Judicial Office Campaign Finance Act".

15 Section 2. Creation of account. There is created the
 16 judicial office campaign account in the earmarked revenue
 17 fund. The account is assigned to the secretary of state for
 18 the purpose of supporting the campaigns of nonpartisan
 19 judicial candidates in accordance with this act.

20 Section 3. Campaign assistance for judicial
 21 candidates. A candidate for the office of chief justice of
 22 the supreme court, justice of the supreme court, or district
 23 judge shall be granted funds for the purpose of conducting a
 24 campaign for election at the general election in accordance
 25 with this act. The funds shall be distributed by the

1 secretary of state to a candidate who has been nominated or
 2 is otherwise qualified to have his name on the ballot as of
 3 the first Tuesday after the first Monday in September of a
 4 year in which an election is to be held. Funds shall be
 5 disbursed from the judicial office campaign account in the
 6 earmarked revenue fund.

7 Section 4. Restrictions on donations and expenditures.
 8 (1) The provisions of this act supersede all other acts
 9 with regard to donations and expenditures for the judicial
 10 offices covered by this act.

11 (2) Except as provided by this act no candidate for
 12 the office of chief justice of the supreme court, justice of
 13 the supreme court, or judge of a district court may receive
 14 contributions or make expenditures in support of a campaign
 15 for judicial office.

16 (3) A candidate may make expenditures of his personal
 17 funds for his personal travel, food, and lodging whether or
 18 not such expenditures are in connection with his campaign.
 19 Required filing fees and other expenses associated with
 20 filing for placement on the ballot shall be paid from the
 21 personal funds of the prospective candidate.

22 Section 5. Allowable expenditures -- how made. (1) A
 23 candidate may make expenditures from the funds received
 24 under this act for the following purposes:

25 (a) advertising in the communications media including

1 without limitation newspapers, magazines, television, and
2 radio;

3 (b) advertising on billboards, posters, handbills,
4 pamphlets, and letters; and

5 (c) expenses associated with campaign related mailings
6 including postage.

7 (2) In addition to the above, a candidate for chief
8 justice or justice of the supreme court may expend funds for
9 his personal travel and lodging when that travel and lodging
10 is a direct campaign expense.

11 (3) Payment shall be made in advance upon allowable
12 services as provided above at the time the services are
13 contracted.

14 (4) The secretary of state shall make payments
15 according to the following schedule:

16 (a) A candidate for the office of chief justice or
17 justice of the supreme court who has qualified opposition
18 for election shall receive ten thousand dollars
19 (\$10,000).

20 (b) A candidate for the office of chief justice or
21 justice of the supreme court who is unopposed shall receive
22 one thousand dollars (\$1,000).

23 (c) A candidate for the office of district judge who
24 has qualified opposition shall receive one thousand dollars
25 (\$1,000).

1 (d) A candidate for the office of district judge who
2 is unopposed shall receive one hundred dollars (\$100).

3 Section 6. Accountability -- accounts -- filing of
4 accounts. (1) A candidate who receives funds under this act
5 is responsible to account for all expenditures of those
6 funds. A candidate shall maintain detailed accounts
7 itemizing expenditures of funds received under this act.
8 Each expenditure shall be supported by an itemized receipt
9 from the person to whom the money was transferred.

10 (2) The secretary of state shall prescribe the form
11 and manner in which accounts shall be kept.

12 (3) Accounts shall be kept current within twenty four
13 (24) hours of any expenditure. The accounts may be observed
14 at any reasonable time by an opposing candidate, the
15 secretary of state, a county attorney, or the attorney
16 general.

17 (4) A final account with supporting receipts shall be
18 filed with the secretary of state within seven (7) days
19 after the election.

20 Section 7. Section 93-2010, R.C.M. 1947, is amended to
21 read as follows:

22 "93-2010. Annual license tax of attorneys. Every
23 attorney or counselor at law, admitted by the supreme court
24 of the state to practice his profession within the state,
25 shall be required to pay a license tax of ~~ten~~ twenty-five

1 dollars (\$25) per annum, which tax shall be payable to and
2 collected by the clerk of the supreme court on or before the
3 first day of April of each year.

4 Upon the payment of such tax the said clerk shall issue
5 and deliver a certificate to the person paying the same,
6 certifying to the payment of said license tax, and stating
7 the period covered by said payment. No license tax shall be
8 imposed upon attorneys by a municipality or any other
9 subdivision of the state."

10 Section 8. Section 93-2011, R.C.M. 1947, is amended to
11 read as follows:

12 "93-2011. Disposition of attorneys' license tax. ~~All~~
13 ~~moneys~~ (1) Ten dollars (\$10) of each tax so collected
14 during any month shall, on or before the first day of the
15 succeeding month, be delivered to and deposited with the
16 state treasurer by the clerk of the supreme court, and the
17 state treasurer shall deposit such moneys in the general
18 fund.

19 (2) Fifteen dollars (\$15) of each tax so collected
20 during any month shall, on or before the first day of the
21 succeeding month, be delivered to and deposited with the
22 state treasurer for deposit in the judicial office campaign
23 account in the earmarked revenue fund."

24 Section 9. This act is effective on passage and
25 approval.

Approved by Committee
on Judiciary

1 SENATE BILL NO. 402
 2 INTRODUCED BY ROBERTS, GREELY, CETRONE, ROMNEY, MANLEY
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ENTITLED "THE JUDICIAL
 5 OFFICE CAMPAIGN FINANCE ACT" TO PROVIDE A METHOD OF PUBLIC
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 7 LICENSE TAX; CREATING A JUDICIAL OFFICE CAMPAIGN ACCOUNT IN
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 20 candidates. A candidate for the office of chief justice of
 21 the supreme court, justice of the supreme court, or district
 22 judge shall be granted funds for the purpose of conducting a
 23 campaign for election at the general election in accordance
 24 with this act. The funds shall be distributed by the
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1 secretary of state to a candidate who has been nominated or
 2 is otherwise qualified to have his name on the ballot as of
 3 the first Tuesday after the first Monday in September of a
 4 year in which an election is to be held. Funds shall be
 5 disbursed from the judicial office campaign account in the
 6 earmarked revenue fund.

7 Section 4. Restrictions on ~~donations~~ CONTRIBUTIONS and
 8 expenditures. (1) The provisions of this act supersede all
 9 other acts with regard to ~~donations~~ CONTRIBUTIONS and
 10 expenditures for the judicial offices covered by this act.

11 (2) Except as provided by this act no candidate for
 12 the office of chief justice of the supreme court, justice of
 13 the supreme court, or judge of a district court may receive
 14 contributions ~~or make expenditures in support of a campaign~~
 15 ~~for judicial office.~~

16 (3) NO PERSON MAY MAKE CONTRIBUTIONS OR EXPENDITURES
 17 IN SUPPORT OF A CAMPAIGN FOR JUDICIAL OFFICE.

18 ~~(3)-(4)~~ (4) A candidate may make expenditures of his
 19 personal funds for his personal travel, food, and lodging
 20 whether or not such expenditures are in connection with his
 21 campaign. Required filing fees and other expenses
 22 associated with filing for placement on the ballot shall be
 23 paid from the personal funds of the prospective candidate.

24 (5) TERMS USED IN THIS ACT ARE DEFINED IN TITLE 23,
 25 CHAPTER 47, R.C.M. 1947.

1 Section 5. Allowable expenditures -- how made. (1) A
2 candidate may make expenditures from the funds received
3 under this act for the following purposes:

4 (a) advertising in the communications media including
5 without limitation newspapers, magazines, television, and
6 radio;

7 (b) advertising on billboards, posters, handbills,
8 pamphlets, and letters; and

9 (c) expenses associated with campaign related mailings
10 including postage.

11 (2) In addition to the above, a candidate for chief
12 justice or justice of the supreme court may expend funds for
13 his personal travel and lodging when that travel and lodging
14 is a direct campaign expense.

15 (3) Payment shall be made in advance upon allowable
16 services as provided above at the time the services are
17 contracted.

18 (4) The secretary of state shall make payments
19 according to the following schedule:

20 (a) A candidate for the office of chief justice or
21 justice of the supreme court who has qualified opposition
22 for election shall receive ten thousand dollars (\$10,000).

23 (b) A candidate for the office of chief justice or
24 justice of the supreme court who is unopposed shall receive
25 one thousand dollars (\$1,000).

1 (c) A candidate for the office of district judge who
2 has qualified opposition shall receive one thousand dollars
3 (\$1,000).

4 (d) A candidate for the office of district judge who
5 is unopposed shall receive one hundred dollars (\$100).

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8 is responsible to account for all expenditures of those
9 funds. A candidate shall maintain detailed accounts
10 itemizing expenditures of funds received under this act.
11 Each expenditure shall be supported by an itemized receipt
12 from the person to whom the money was transferred.

13 (2) The secretary-of-state COMMISSIONER OF CAMPAIGN
14 FINANCES AND PRACTICES shall prescribe the form and manner
15 in which accounts shall be kept.

16 (3) Accounts shall be kept current within twenty-four
17 (24) hours of any expenditure. The accounts may be observed
18 at any reasonable time by an opposing candidate, the
19 secretary-of-state COMMISSIONER OF CAMPAIGN FINANCES AND
20 PRACTICES, a county attorney, or the attorney general.

21 (4) A final account with supporting receipts shall be
22 filed with the secretary-of-state COMMISSIONER OF CAMPAIGN
23 FINANCES AND PRACTICES within seven (7) days after the
24 election.

25 Section 7. Section 93-201J, R.C.M. 1947, is amended to

1 read as follows:

2 "93-2010. Annual license tax of attorneys. (1) Every
 3 attorney or counselor at law, admitted by the supreme court
 4 of the state to practice his profession within the state,
 5 shall be required to pay a license tax ~~of--ten~~ twenty-five
 6 dollars--(\$25) per-annum, which

7 (A) FOR FIVE YEARS FROM THE DATE OF ADMISSION,
 8 TWENTY-FIVE DOLLARS (\$25) PER ANNUM.

9 (B) AFTER FIVE YEARS FROM THE DATE OF ADMISSION, FIFTY
 10 DOLLARS (\$50) PER ANNUM.

11 (2) THE tax shall be payable to and collected by the
 12 clerk of the supreme court on or before the first day of
 13 April of each year.

14 (3) Upon the payment of such tax the said clerk shall
 15 issue and deliver a certificate to the person paying the
 16 same, certifying to the payment of said license tax, and
 17 stating the period covered by said payment. No license tax
 18 shall be imposed upon attorneys by a municipality or any
 19 other subdivision of the state."

20 Section 8. Section 93-2011, R.C.M. 1947, is amended to
 21 read as follows:

22 "93-2011. Disposition of attorneys' license tax. ~~All~~
 23 moneys (1) Ten dollars (\$10) of each tax so collected
 24 during any month shall, on or before the first day of the
 25 succeeding month, be delivered to and deposited with the

1 state treasurer by the clerk of the supreme court, and the
 2 state treasurer shall deposit such moneys in the general
 3 fund.

4 (2) Fifteen dollars (\$15) OR FORTY DOLLARS (\$40) of
 5 each tax so collected during any month shall, on or before
 6 the first day of the succeeding month, be delivered to and
 7 deposited with the state treasurer for deposit in the
 8 judicial office campaign account in the earmarked revenue
 9 fund."

10 Section 9. This act is effective on passage and
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1 secretary of state to a candidate who has been nominated or
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THIRD READING

1 Section 5. Allowable expenditures -- how made. (1) A
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20 Section 8. Section 93-2011, R.C.M. 1947, is amended to
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7 deposited with the state treasurer for deposit in the
8 judicial office campaign account in the earmarked revenue
9 fund."

10 Section 9. This act is effective on passage and
11 approval.

-End-

HOUSE OF REPRESENTATIVES

DATE: March 17, 1975

HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL NO. 402

Be amended in the third reading bill as follows:

1. Amend page 2, section 4, subsection (3), line 14.
Following: "Contributions"
Insert: "for use in a general election"
2. Amend page 2, section 4, subsection (2), line 17.
Following: "OFFICE"
Insert: " in a general election"
3. Amend page 2, section 4, following line 17.
Insert: A new subsection (4) to read as follows:
"(4) No candidate may make expenditures of his personal funds in support of a campaign for judicial office in a general election except as provided in subsection (5)."
Renumber: Subsequent subsections.
4. Amend page 4, section 6, following line 24.
Insert: A new subsection (5) to read as follows:
"(5) If any funds received by a candidate under this act remain unexpended after all campaign debts have been satisfied, the unexpended funds shall be returned to the earmarked revenue account created under this act."
5. Amend page 5, section 7, subsection (1), line 5.
Following: "tax"
Insert: "as follows:"
6. Amend page 5, section 7, subsection (A), line 8.
Following: "ANNUM"
Strike: "."
Insert: "and;"

AS SO AMENDED

BE CONCURRED IN