

1 HB BILL NO. 129
 2 INTRODUCED BY Keyser Reagon Hand Scully
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CANDIDATES
 5 FOR LOCAL GOVERNMENT OFFICES AND CERTAIN OTHER LOCAL OFFICES
 6 FROM THE FILING REQUIREMENTS OF SECTION 23-4778, R.C.M.
 7 1947, AND THE CAMPAIGN TREASURER AND CAMPAIGN DEPOSITORY
 8 REQUIREMENTS OF SECTION 23-4781, R.C.M. 1947, AND TO PROVIDE
 9 FOR PETTY CASH FUNDS FOR SUCH CANDIDATES; AMENDING SECTIONS
 10 23-4778, 23-4781, 23-4783, 23-4784, 23-4786, AND 23-4792,
 11 R.C.M. 1947."

12 Section 1. Section 23-4778, R.C.M. 1947, is amended to
 13 read as follows:

14 "23-4778. Reports of contributions and expenditures
 15 required -- exceptions. (1) Each except as provided in
 16 subsection (9), each candidate and political committee shall
 17 file periodic reports of contributions and expenditures made
 18 by or on the behalf of a candidate or political committee.
 19 All reports required by this section shall be filed with the
 20 commissioner and with the county clerk and recorder of the
 21 county in which a candidate is a resident or the political
 22 committee has its headquarters. However, where residency
 23 within a district, county, city, or town is not a
 24 prerequisite for being a candidate, copies of all reports
 25 shall be filed with the county clerk and recorder of the

1 county in which the election is to be held, or if the
 2 election is to be held in more than one county, with the
 3 clerk and recorder in the county that the commissioner shall
 4 specify.

5 (2) In lieu of all contribution and expenditure
 6 reports required by this act, the commissioner shall accept
 7 copies of the reports filed by candidates for congress and
 8 president of the United States, and their political
 9 committees, pursuant to the requirements of federal law.

10 (3) Candidates for a state office filled by a
 11 statewide vote of all the voters of Montana, the political
 12 committees for such candidates, and political committees
 13 organized to support or oppose a statewide issue, shall file
 14 reports:

15 (a) on the tenth day of March and September, in each
 16 year that an election is to be held, and on the fifteenth
 17 and fifth days next preceding the date on which an election
 18 is held, and within twenty-four (24) hours after receiving a
 19 contribution of five hundred dollars (\$500) or more at any
 20 time after the last pre-election report;

21 (b) not more than twenty (20) days after the date of
 22 the election;

23 (c) on the tenth day of March and September of each
 24 year following an election so long as there is an
 25 unexpended balance or an expenditure deficit in a campaign

1 account; and

2 (d) whenever a candidate or political committee
3 finally closes its books.

4 (4) Candidates for a state district office, including
5 but not limited to, candidates for the legislature, public
6 service commission, or district court judge, their political
7 committees, and political committees organized to support or
8 oppose district issues, shall file reports:

9 (a) on the tenth day next preceding the date on which
10 an election is held, and within twenty-four (24) hours after
11 receiving a contribution of one hundred dollars (\$100) or
12 more at any time after the last pre-election report;

13 (b) not more than twenty (20) days after the date of
14 the election;

15 (c) whenever a candidate or political committee
16 finally closes its books.

17 (5) Candidates Except as provided in subsection (9),
18 candidates for any other public office, their political
19 committees, and political committees organized to support or
20 oppose local issues, shall be required to file the reports
21 specified in subsection (4) only if the total amount of
22 contributions received or the total amount of funds expended
23 for an election, excluding the filing fee paid by the
24 candidate, exceed five hundred dollars (\$500).

25 (6) All reports required by this section shall be

1 complete as of the date prescribed by the commissioner,
2 which shall not be less than five (5) or more than ten (10)
3 days before the date of filing as specified in subsections
4 (2) through (5) of this section.

5 (7) The commissioner shall adopt rules and regulations
6 that will permit political committees, including political
7 parties, to file copies of a single comprehensive report
8 when they support or oppose more than one candidate or
9 issue.

10 (8) Reports filed under this section shall be filed to
11 cover the following time periods:

12 (a) the initial report shall cover all contributions
13 received or expenditures made by a candidate or political
14 committee prior to the time that a person became a candidate
15 as defined in subsection (1) of section 23-4777 until the
16 date prescribed by the commissioner for the filing of the
17 appropriate initial report pursuant to subsections (2)
18 through (5) of this section;

19 (b) subsequent periodic reports shall cover the period
20 of time from the closing of the previous report to a date
21 prescribed by the commissioner, which shall not be less than
22 five (5) days or more than ten (10) days before the date of
23 filing;

24 (c) final reports shall cover the period of time from
25 the last periodic report to the final closing of the books

1 of the candidate or political committee.

2 ~~(9) (a) Candidates for those offices declared filled~~
 3 ~~by the city clerk or county clerk and recorder need not~~
 4 ~~comply with the filing provisions of subsections (1) through~~
 5 ~~(8).~~

6 ~~(b) A candidate exempted from the filing requirements~~
 7 ~~of subsections (1) through (8) by subsection (9)(a) shall~~
 8 ~~file a notarized statement with the commissioner explaining~~
 9 ~~the basis of the claimed exemption. This statement should be~~
 10 ~~filed as soon as possible and must be filed no later than 15~~
 11 ~~days after the election."~~

12 Section 2. Section 23-4781, R.C.M. 1947, is amended to
 13 read as follows:

14 "23-4781. Campaign treasurer and campaign depository
 15 ~~-- exceptions.~~ (1) ~~Each~~ Except as provided in subsection
 16 (7), each candidate for nomination or election to office and
 17 each political committee shall appoint one (1) campaign
 18 treasurer. No contribution shall be received or expenditure
 19 made by or on behalf of a candidate or political committee
 20 until the candidate or political committee appoints a
 21 campaign treasurer and certifies the name and address of the
 22 campaign treasurer pursuant to this section. The
 23 certification, which shall include an organizational
 24 statement, properly acknowledged by a notary public, and
 25 setting forth of the name and address of the campaign

1 treasurer and all other officers, if any, of the political
 2 committee, shall be filed with the commissioner and the
 3 appropriate county clerk and recorder as specified for the
 4 filing of reports in section 23-4778.

5 (2) A campaign treasurer may appoint deputy campaign
 6 treasurers, but not more than one (1) in each county in
 7 which the campaign is conducted. Each candidate and
 8 political committee shall certify the full name and complete
 9 address of the campaign treasurer and all deputy campaign
 10 treasurers with the office with whom the candidate or the
 11 political committee is required to file reports.

12 (3) Any campaign or deputy campaign treasurer
 13 appointed pursuant to this section shall be a registered
 14 voter in this state. An individual may be appointed and
 15 serve as a campaign treasurer of a candidate and a political
 16 committee or two (2) or more candidates and political
 17 committees. A candidate may appoint himself as his own
 18 campaign or deputy campaign treasurer. No individual may
 19 serve as a campaign or deputy campaign treasurer or perform
 20 any duty required of a campaign or deputy campaign treasurer
 21 of a candidate or political committee until he has been
 22 designated and his name certified by the candidate or
 23 political committee.

24 (4) Deputy campaign treasurers may exercise any of the
 25 powers and duties of a campaign treasurer as set forth in

1 this act when specifically authorized in writing to do so by
 2 the campaign treasurer and the candidate in the case of a
 3 candidate, or the campaign treasurer and the chairman of the
 4 political committee in the case of a political committee.

5 (5) A candidate or political committee may remove his
 6 or its campaign or deputy campaign treasurer. The removal
 7 of any treasurer or deputy treasurer shall immediately be
 8 reported to the officer with whom the name of the campaign
 9 treasurer was originally filed. In case of death,
 10 resignation, or removal of his or its campaign treasurer
 11 before compliance with any obligation of a campaign
 12 treasurer under this act, the candidate or political
 13 committee shall appoint a successor and certify the name and
 14 address of the successor as specified in subsection (1) of
 15 this section.

16 (6) ~~Each~~ Except as provided in subsection (7), each
 17 candidate and each political committee shall designate one
 18 (1) primary campaign depository for the purpose of
 19 depositing all contributions received and disbursing all
 20 expenditures made by the candidate or political committee.
 21 The candidate or political committee may also designate one
 22 (1) secondary depository in each county in which an election
 23 is held and in which the candidate or committee
 24 participates. Deputy campaign treasurers may make deposits
 25 in and make expenditures from secondary depositories when

1 authorized to do so as provided in subsection (4) of this
 2 section. Only a bank authorized to transact business in
 3 Montana may be designated as a campaign depository. The
 4 candidate or political committee shall file the name and
 5 address of each primary and secondary depository so
 6 designated at the same time and with the same officer with
 7 whom the candidate or committee files the name of his or its
 8 campaign treasurer pursuant to subsection (1) of this
 9 section. Nothing in this subsection shall prevent a
 10 political committee or candidate from having more than one
 11 campaign account in the same depository.

12 ~~(7) Candidates for those offices declared filed by~~
 13 ~~the city clerk or the county clerk and recorder need not~~
 14 ~~comply with the requirements of this section."~~

15 Section 3. Section 23-4783, R.C.M. 1947, is amended to
 16 read as follows:

17 "23-4783. Treasurer to keep records -- inspections.
 18 (1) ~~The--campaign--treasurer--of--each--candidate--and--each~~
 19 ~~political--committee~~ Whenever a campaign treasurer is
 20 required, he shall keep detailed accounts, current within
 21 not more than ten (10) days after the date of receiving a
 22 contribution or making an expenditure, of all contributions
 23 received and all expenditures made by or on behalf of the
 24 candidate or political committee that are required to be set
 25 forth in a statement filed under this act.

1 (2) Accounts kept by the campaign treasurer of a
 2 candidate or political committee may be inspected under
 3 reasonable circumstances before, during, or after the
 4 election to which the accounts refer by the campaign
 5 treasurer of any opposing candidate or political committee
 6 in the same electoral district. The right of inspection may
 7 be enforced by appropriate writ issued by any court of
 8 competent jurisdiction. The campaign treasurers of
 9 political committees supporting a candidate may be joined
 10 with the campaign treasurer of the candidate as respondents
 11 in such a proceeding.

12 (3) Accounts kept by a campaign treasurer of a
 13 candidate shall be preserved by the campaign treasurer for a
 14 period coinciding with the term of office for which the
 15 person was a candidate."

16 Section 4. Section 23-4784, R.C.M. 1947, is amended to
 17 read as follows:

18 "23-4784. Petty cash funds allowed. (1) The campaign
 19 treasurer for each a candidate or political committee is
 20 authorized to withdraw the following amount each week from
 21 the primary depository for the purpose of providing a petty
 22 cash fund for the candidate or political committee:

23 (a) for all candidates for nomination or election on a
 24 statewide basis and all political committees operating on a
 25 statewide basis, one hundred dollars (\$100) per week; and

1 (b) for all other candidates and political committees,
 2 twenty dollars (\$20) per week.

3 (2) The petty cash fund may be spent for office
 4 supplies, transportation expenses, and other necessities in
 5 an amount of less than ten dollars (\$10). Petty cash shall
 6 not be used for the purchase of time, space, or services
 7 from any communications medium.

8 (3) Subject to the provisions of subsections (1)(a),
 9 (1)(b), and (2), a candidate exempted from the provisions of
 10 23-4731 may maintain a petty cash fund."

11 Section 5. Section 23-4786, R.C.M. 1947, is amended to
 12 read as follows:

13 "23-4786. Powers and duties of the commissioner. ~~The~~
 14 ~~commissioner shall exercise the following powers and perform~~
 15 ~~the following duties:~~ (1) The commissioner of campaign
 16 finances and practices shall be responsible for
 17 investigating all of the alleged violations of the election
 18 laws contained in Title 23, R.C.M. 1947, and shall in
 19 conjunction with the county attorneys, be responsible for
 20 enforcing all of the state's election laws.

21 (2) The commissioner shall select an appropriate staff
 22 to enforce the provisions of Title 23, R.C.M. 1947, and he
 23 shall have the power to hire and fire all personnel under
 24 his supervision.

25 (3) The commissioner may hire or retain attorneys who

1 are properly licensed to practice before the supreme court
 2 of the state of Montana to prosecute violations of Title 23,
 3 R.C.M. 1947. Any properly licensed attorney so retained or
 4 hired shall exercise the powers of a special attorney
 5 general and he shall have the power to prosecute, subject to
 6 the control and supervision of the commissioner and the
 7 provisions of section 23-4788, any criminal or civil action
 8 arising out of a violation of any provision of Title 23,
 9 R.C.M. 1947. All prosecutions shall be brought in the state
 10 district court for the county in which a violation has
 11 occurred or in the district court for Lewis and Clark
 12 County. The authority to prosecute as prescribed by this
 13 section includes the authority to:

14 (a) institute proceedings for the arrest of persons
 15 charged with or reasonably suspected of criminal violations
 16 of Title 23, R.C.M. 1947;

17 (b) attend and give advice to a grand jury when cases
 18 involving criminal violations of Title 23, R.C.M. 1947, are
 19 presented;

20 (c) draw and file indictments, informations, and
 21 criminal complaints;

22 (d) prosecute all actions for the recovery of debts,
 23 fines, penalties, and forfeitures accruing to the state or
 24 county from persons convicted of violating Title 23, R.C.M.
 25 1947; and

1 (e) do any other act necessary to successfully
 2 prosecute a violation of any provision of Title 23, R.C.M.
 3 1947.

4 (4) The commissioner shall prescribe forms for
 5 statements and other information required to be filed
 6 pursuant to Title 23, R.C.M. 1947, and furnish forms and
 7 appropriate information to persons required to file
 8 statements and information.

9 (5) The commissioner shall prepare and publish a
 10 manual prescribing a uniform system for accounts for use by
 11 persons required to file statements pursuant to Title 23,
 12 R.C.M. 1947.

13 (6) The commissioner shall accept and file any
 14 information voluntarily supplied that exceeds the
 15 requirements of Title 23, R.C.M. 1947.

16 (7) The commissioner shall prescribe the manner in
 17 which the county clerks and recorders shall receive, file,
 18 collate, and maintain reports filed with them under Title
 19 23, R.C.M. 1947.

20 (8) The commissioner shall make statements and other
 21 information filed with his office available for public
 22 inspection and copying during regular office hours, and make
 23 copying facilities available free of charge or at a charge
 24 not to exceed actual cost.

25 (9) The commissioner shall preserve statements and

1 other information filed with his office for a period of ten
2 (10) years from date of receipt.

3 (10) The commissioner shall prepare and publish
4 summaries of the statements received.

5 (11) The commissioner shall prepare and publish such
6 other reports as he may deem appropriate.

7 (12) The commissioner shall provide for wide public
8 dissemination of summaries and reports.

9 (13) The commissioner shall have the authority to
10 investigate all statements filed pursuant to the provisions
11 of Title 23, R.C.M. 1947, and shall also investigate alleged
12 failures to file any statement or the alleged falsification
13 of any statement filed pursuant to the provisions of Title
14 23, R.C.M. 1947. Upon the submission of a written complaint
15 by any individual, the commissioner shall also investigate
16 any other alleged violation of the provisions of Title 23,
17 R.C.M. 1947, or any rule or regulation adopted pursuant
18 thereto.

19 (14) The commissioner shall promulgate and publish
20 rules and regulations to carry out the provisions of Title
21 23, R.C.M. 1947, and shall promulgate such rules in
22 conformance with the Montana Administrative Procedure Act.

23 (15) The commissioner shall at the close of each fiscal
24 year report to the legislature and the governor concerning
25 the action he has taken, including the names, salaries, and

1 duties of all individuals in his employ and the money he has
2 disbursed. The commissioner shall also make further reports
3 on the matters within his jurisdiction as the legislature
4 may prescribe and shall also make recommendations for
5 further legislation as may appear desirable.

6 (16) The commissioner shall be responsible for
7 preparing, administering and allocating the budget for his
8 office.

9 (17) The commissioner shall have the power to inspect
10 any records, accounts or books that must be kept pursuant to
11 the provisions of Title 23, R.C.M. 1947, which are held by
12 any political committee or candidate so long as such
13 inspection is made during reasonable office hours.

14 (18) The commissioner shall have the power to issue
15 orders of noncompliance as prescribed by section 23-4787.

16 (19) The commissioner shall exercise all of the powers
17 conferred upon him by this act or any other provision of
18 state law in any jurisdiction or political subdivision of
19 the state.

20 (20) After receiving the final campaign contribution
21 and expenditure report filed as required by Title 23, R.C.M.
22 1947 or a statement of exemption from the filing
23 requirements, the commissioner shall inform the secretary
24 of state, or the city or county clerk and recorder that each
25 candidate who has been properly elected to any public office

1 has filed his final contribution and expenditure report or
 2 statement of exemption from filing as specified in section
 3 23-4778.

4 (21) The commissioner shall have the authority to
 5 administer oaths and affirmations, subpoena witnesses,
 6 compel their attendance, take evidence, and require the
 7 production of any books, papers, correspondence, memoranda,
 8 bank account statements of a political committee or
 9 candidate, or other records which are relevant or material
 10 for the purpose of conducting any investigation pursuant to
 11 the provisions of Title 23, R.C.M. 1947."

12 Section 6. Section 23-4792, R.C.M. 1947, is amended to
 13 read as follows:

14 "23-4792. Certificates of election may be withheld. No
 15 certificate of election ~~shall~~ may be granted to any
 16 candidate until ~~his political treasurer has filed~~ the
 17 reports and statements that must be filed pursuant to the
 18 provisions of Title 23, ~~R.C.M. 1947~~ are filed. No candidate
 19 for an elective office may assume the powers and duties of
 20 that office until he has received a certificate of election
 21 as provided by law. A certificate of election shall only be
 22 issued by the public official responsible for issuing a
 23 certificate or commission after receiving written assurance
 24 from the commissioner that a candidate has filed all of the
 25 statements or reports that must be filed pursuant to the

1 provisions of Title 23, ~~R.C.M. 1947.~~"

-End-

Objection Raised to
Adverse Committee Report

1 INTRODUCTION BY HB BILL NO. 129
2 Heysen Reagan Hand Scully

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CANDIDATES
5 FOR LOCAL GOVERNMENT OFFICES AND CERTAIN OTHER LOCAL OFFICES
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8 REQUIREMENTS OF SECTION 23-4781, R.C.M. 1947, AND TO PROVIDE
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19 All reports required by this section shall be filed with the
20 commissioner and with the county clerk and recorder of the
21 county in which a candidate is a resident or the political
22 committee has its headquarters. However, where residency
23 within a district, county, city, or town is not a
24 prerequisite for being a candidate, copies of all reports
25 shall be filed with the county clerk and recorder of the

1 county in which the election is to be held, or if the
2 election is to be held in more than one county, with the
3 clerk and recorder in the county that the commissioner shall
4 specify.

5 (2) In lieu of all contribution and expenditure
6 reports required by this act, the commissioner shall accept
7 copies of the reports filed by candidates for congress and
8 president of the United States, and their political
9 committees, pursuant to the requirements of federal law.

10 (3) Candidates for a state office filled by a
11 statewide vote of all the voters of Montana, the political
12 committees for such candidates, and political committees
13 organized to support or oppose a statewide issue, shall file
14 reports:

15 (a) on the tenth day of March and September, in each
16 year that an election is to be held, and on the fifteenth
17 and fifth days next preceding the date on which an election
18 is held, and within twenty-four (24) hours after receiving a
19 contribution of five hundred dollars (\$500) or more at any
20 time after the last pre-election report;

21 (b) not more than twenty (20) days after the date of
22 the election;

23 (c) on the tenth day of March and September of each
24 year following an election so long as there is an
25 unexpanded balance or an expenditure deficit in a campaign

1 account; and

2 (d) whenever a candidate or political committee

3 finally closes its books.

4 (4) Candidates for a state district office, including

5 but not limited to, candidates for the legislature, public

6 service commission, or district court judge, their political

7 committees, and political committees organized to support or

8 oppose district issues, shall file reports:

9 (a) on the tenth day next preceding the date on which

10 an election is held, and within twenty-four (24) hours after

11 receiving a contribution of one hundred dollars (\$100) or

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14 the election;

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16 finally closes its books.

17 (5) ~~Candidates Except as provided in subsection (9),~~

18 candidates for any other public office, their political

19 committees, and political committees organized to support or

20 oppose local issues, shall be required to file the reports

21 specified in subsection (4) only if the total amount of

22 contributions received or the total amount of funds expended

23 for an election, excluding the filing fee paid by the

24 candidate, exceed five hundred dollars (\$500).

25 (6) All reports required by this section shall be

1 complete as of the date prescribed by the commissioner,

2 which shall not be less than five (5) or more than ten (10)

3 days before the date of filing as specified in subsections

4 (2) through (5) of this section.

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6 that will permit political committees, including political

7 parties, to file copies of a single comprehensive report

8 when they support or oppose more than one candidate or

9 issue.

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11 cover the following time periods:

12 (a) the initial report shall cover all contributions

13 received or expenditures made by a candidate or political

14 committee prior to the time that a person became a candidate

15 as defined in subsection (1) of section 23-4777 until the

16 date prescribed by the commissioner for the filing of the

17 appropriate initial report pursuant to subsections (2)

18 through (5) of this section;

19 (b) subsequent periodic reports shall cover the period

20 of time from the closing of the previous report to a date

21 prescribed by the commissioner, which shall not be less than

22 five (5) days or more than ten (10) days before the date of

23 filing;

24 (c) final reports shall cover the period of time from

25 the last periodic report to the final closing of the books

1 of the candidate or political committee.

2 (9) (a) Candidates for those offices declared filled
3 by the city clerk or county clerk and recorder need not
4 comply with the filing provisions of subsections (1) through
5 (8).

6 (b) A candidate exempted from the filing requirements
7 of subsections (1) through (8) by subsection (9)(a) shall
8 file a notarized statement with the commissioner explaining
9 the basis of the claimed exemption. This statement should be
10 filed as soon as possible and must be filed no later than 15
11 days after the election."

12 Section 2. Section 23-4781, R.C.M. 1947, is amended to
13 read as follows:

14 "23-4781. Campaign treasurer and campaign depository
15 ~~-- exceptions.~~ (1) ~~Each~~ Except as provided in subsection
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17 each political committee shall appoint one (1) campaign
18 treasurer. No contribution shall be received or expenditure
19 made by or on behalf of a candidate or political committee
20 until the candidate or political committee appoints a
21 campaign treasurer and certifies the name and address of the
22 campaign treasurer pursuant to this section. The
23 certification, which shall include an organizational
24 statement, properly acknowledged by a notary public, and
25 setting forth of the name and address of the campaign

1 treasurer and all other officers, if any, of the political
2 committee, shall be filed with the commissioner and the
3 appropriate county clerk and recorder as specified for the
4 filing of reports in section 23-4778.

5 (2) A campaign treasurer may appoint deputy campaign
6 treasurers, but not more than one (1) in each county in
7 which the campaign is conducted. Each candidate and
8 political committee shall certify the full name and complete
9 address of the campaign treasurer and all deputy campaign
10 treasurers with the office with whom the candidate or the
11 political committee is required to file reports.

12 (3) Any campaign or deputy campaign treasurer
13 appointed pursuant to this section shall be a registered
14 voter in this state. An individual may be appointed and
15 serve as a campaign treasurer of a candidate and a political
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17 committees. A candidate may appoint himself as his own
18 campaign or deputy campaign treasurer. No individual may
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21 of a candidate or political committee until he has been
22 designated and his name certified by the candidate or
23 political committee.

24 (4) Deputy campaign treasurers may exercise any of the
25 powers and duties of a campaign treasurer as set forth in

1 this act when specifically authorized in writing to do so by
2 the campaign treasurer and the candidate in the case of a
3 candidate, or the campaign treasurer and the chairman of the
4 political committee in the case of a political committee.

5 (5) A candidate or political committee may remove his
6 or its campaign or deputy campaign treasurer. The removal
7 of any treasurer or deputy treasurer shall immediately be
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9 treasurer was originally filed. In case of death,
10 resignation, or removal of his or its campaign treasurer
11 before compliance with any obligation of a campaign
12 treasurer under this act, the candidate or political
13 committee shall appoint a successor and certify the name and
14 address of the successor as specified in subsection (1) of
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17 candidate and each political committee shall designate one
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23 is held and in which the candidate or committee
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25 in and make expenditures from secondary depositories when

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3 Montana may be designated as a campaign depository. The
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5 address of each primary and secondary depository so
6 designated at the same time and with the same officer with
7 whom the candidate or committee files the name of his or its
8 campaign treasurer pursuant to subsection (1) of this
9 section. Nothing in this subsection shall prevent a
10 political committee or candidate from having more than one
11 campaign account in the same depository.

12 (7) Candidates for those offices declared filled by
13 the city clerk or the county clerk and recorder need not
14 comply with the requirements of this section."

15 Section 3. Section 23-4783, R.C.M. 1947, is amended to
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 17 read as follows:

18 "23-4784. Petty cash funds allowed. (1) The campaign
 19 treasurer for each a candidate or political committee is
 20 authorized to withdraw the following amount each week from
 21 the primary depository for the purpose of providing a petty
 22 cash fund for the candidate or political committee:

23 (a) for all candidates for nomination or election on a
 24 statewide basis and all political committees operating on a
 25 statewide basis, one hundred dollars (\$100) per week; and

1 (b) for all other candidates and political committees,
 2 twenty dollars (\$20) per week.

3 (2) The petty cash fund may be spent for office
 4 supplies, transportation expenses, and other necessities in
 5 an amount of less than ten dollars (\$10). Petty cash shall
 6 not be used for the purchase of time, space, or services
 7 from any communications medium.

8 ~~(3) Subject to the provisions of subsections (1)(a),~~
 9 ~~(1)(b), and (2), a candidate exempted from the provisions of~~
 10 ~~23-4781 may maintain a petty cash fund."~~

11 Section 5. Section 23-4786, R.C.M. 1947, is amended to
 12 read as follows:

13 "23-4786. Powers and duties of the commissioner. ~~The~~
 14 ~~commissioner shall exercise the following powers and perform~~
 15 ~~the following duties:~~ (1) The commissioner of campaign
 16 finances and practices shall be responsible for
 17 investigating all of the alleged violations of the election
 18 laws contained in Title 23, R.C.M. 1947, and shall in
 19 conjunction with the county attorneys, be responsible for
 20 enforcing all of the state's election laws.

21 (2) The commissioner shall select an appropriate staff
 22 to enforce the provisions of Title 23, R.C.M. 1947, and he
 23 shall have the power to hire and fire all personnel under
 24 his supervision.

25 (3) The commissioner may hire or retain attorneys who

1 are properly licensed to practice before the supreme court
 2 of the state of Montana to prosecute violations of Title 23,
 3 R.C.M. 1947. Any properly licensed attorney so retained or
 4 hired shall exercise the powers of a special attorney
 5 general and he shall have the power to prosecute, subject to
 6 the control and supervision of the commissioner and the
 7 provisions of section 23-4788, any criminal or civil action
 8 arising out of a violation of any provision of Title 23,
 9 R.C.M. 1947. All prosecutions shall be brought in the state
 10 district court for the county in which a violation has
 11 occurred or in the district court for Lewis and Clark
 12 County. The authority to prosecute as prescribed by this
 13 section includes the authority to:

14 (a) institute proceedings for the arrest of persons
 15 charged with or reasonably suspected of criminal violations
 16 of Title 23, R.C.M. 1947;

17 (b) attend and give advice to a grand jury when cases
 18 involving criminal violations of Title 23, R.C.M. 1947, are
 19 presented;

20 (c) draw and file indictments, informations, and
 21 criminal complaints;

22 (d) prosecute all actions for the recovery of debts,
 23 fines, penalties, and forfeitures accruing to the state or
 24 county from persons convicted of violating Title 23, R.C.M.
 25 1947; and

1 (e) do any other act necessary to successfully
 2 prosecute a violation of any provision of Title 23, R.C.M.
 3 1947.

4 (4) The commissioner shall prescribe forms for
 5 statements and other information required to be filed
 6 pursuant to Title 23, R.C.M. 1947, and furnish forms and
 7 appropriate information to persons required to file
 8 statements and information.

9 (5) The commissioner shall prepare and publish a
 10 manual prescribing a uniform system for accounts for use by
 11 persons required to file statements pursuant to Title 23,
 12 R.C.M. 1947.

13 (6) The commissioner shall accept and file any
 14 information voluntarily supplied that exceeds the
 15 requirements of Title 23, R.C.M. 1947.

16 (7) The commissioner shall prescribe the manner in
 17 which the county clerks and recorders shall receive, file,
 18 collate, and maintain reports filed with them under Title
 19 23, R.C.M. 1947.

20 (8) The commissioner shall make statements and other
 21 information filed with his office available for public
 22 inspection and copying during regular office hours, and make
 23 copying facilities available free of charge or at a charge
 24 not to exceed actual cost.

25 (9) The commissioner shall preserve statements and

1 other information filed with his office for a period of ten
2 (10) years from date of receipt.

3 (10) The commissioner shall prepare and publish
4 summaries of the statements received.

5 (11) The commissioner shall prepare and publish such
6 other reports as he may deem appropriate.

7 (12) The commissioner shall provide for wide public
8 dissemination of summaries and reports.

9 (13) The commissioner shall have the authority to
10 investigate all statements filed pursuant to the provisions
11 of Title 23, R.C.M. 1947, and shall also investigate alleged
12 failures to file any statement or the alleged falsification
13 of any statement filed pursuant to the provisions of Title
14 23, R.C.M. 1947. Upon the submission of a written complaint
15 by any individual, the commissioner shall also investigate
16 any other alleged violation of the provisions of Title 23,
17 R.C.M. 1947, or any rule or regulation adopted pursuant
18 thereto.

19 (14) The commissioner shall promulgate and publish
20 rules and regulations to carry out the provisions of Title
21 23, R.C.M. 1947, and shall promulgate such rules in
22 conformance with the Montana Administrative Procedure Act.

23 (15) The commissioner shall at the close of each fiscal
24 year report to the legislature and the governor concerning
25 the action he has taken, including the names, salaries, and

1 duties of all individuals in his employ and the money he has
2 disbursed. The commissioner shall also make further reports
3 on the matters within his jurisdiction as the legislature
4 may prescribe and shall also make recommendations for
5 further legislation as may appear desirable.

6 (16) The commissioner shall be responsible for
7 preparing, administering and allocating the budget for his
8 office.

9 (17) The commissioner shall have the power to inspect
10 any records, accounts or books that must be kept pursuant to
11 the provisions of Title 23, R.C.M. 1947, which are held by
12 any political committee or candidate so long as such
13 inspection is made during reasonable office hours.

14 (18) The commissioner shall have the power to issue
15 orders of noncompliance as prescribed by section 23-4787.

16 (19) The commissioner shall exercise all of the powers
17 conferred upon him by this act or any other provision of
18 state law in any jurisdiction or political subdivision of
19 the state.

20 (20) After receiving the final campaign contribution
21 and expenditure report filed as required by Title 23, R.C.M.
22 1947 or a statement of exemption from the filing
23 requirements, the commissioner shall inform the secretary
24 of state, or the city or county clerk and recorder that each
25 candidate who has been properly elected to any public office

1 has filed his final contribution and expenditure report or
 2 statement of exemption from filing as specified in section
 3 23-4778.

4 (21) The commissioner shall have the authority to
 5 administer oaths and affirmations, subpoena witnesses,
 6 compel their attendance, take evidence, and require the
 7 production of any books, papers, correspondence, memoranda,
 8 bank account statements of a political committee or
 9 candidate, or other records which are relevant or material
 10 for the purpose of conducting any investigation pursuant to
 11 the provisions of Title 23, R.C.M. 1947."

12 Section 6. Section 23-4792, R.C.M. 1947, is amended to
 13 read as follows:

14 "23-4792. Certificates of election may be withheld. No
 15 certificate of election ~~shall~~ may be granted to any
 16 candidate until ~~his--political--treasurer--has--filed~~ the
 17 reports and statements that must be filed pursuant to the
 18 provisions of Title 23~~-R.C.M.-1947~~ are filed. No candidate
 19 for an elective office may assume the powers and duties of
 20 that office until he has received a certificate of election
 21 as provided by law. A certificate of election shall only be
 22 issued by the public official responsible for issuing a
 23 certificate or commission after receiving written assurance
 24 from the commissioner that a candidate has filed all of the
 25 statements or reports that must be filed pursuant to the

1 provisions of Title 23~~-R.C.M.-1947~~."

-End-