

1 H BILL NO. 185
 2 INTRODUCED BY Heppner, Seibert, S. J. A.
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CANDIDATES
 5 FOR THE OFFICE OF TRUSTEE OF CERTAIN SCHOOL DISTRICTS FROM
 6 THE PROVISIONS OF THE ELECTION LAWS RELATING TO CAMPAIGN
 7 TREASURERS, CAMPAIGN DEPOSITORIES, AND FILING REPORTS WITH
 8 THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES;
 9 AMENDING SECTIONS 23-4778 AND 23-4781, R.C.M. 1947."

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

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. (1) Each candidate and political committee shall
 16 file periodic reports of contributions and expenditures made
 17 by or on the behalf of a candidate or political committee.
 18 All reports required by this section shall be filed with the
 19 commissioner and with the county clerk and recorder of the
 20 county in which a candidate is a resident or the political
 21 committee has its headquarters. However, where residency
 22 within a district, county, city, or town is not a
 23 prerequisite for being a candidate, copies of all reports
 24 shall be filed with the county clerk and recorder of the
 25 county in which the election is to be held, or if the

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

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

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

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

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

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

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

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

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

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

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

16 (5) (a) A candidate for trustee of a school district,
17 other than a first-class district located in a county having
18 a population greater than 50,000, is not required to file
19 any reports with the commissioner or county clerk and
20 recorder.

21 (b) Candidates for any other public office, including
22 trustee of a first-class school district located in a county
23 having a population greater than 50,000, their political
24 committees, and political committees organized to support or
25 oppose local issues, shall be required to file the reports

1 specified in subsection (4) only if the total amount of
2 contributions received or the total amount of funds expended
3 for an election, excluding the filing fee paid by the
4 candidate, exceed five hundred dollars (\$500).

5 (6) All reports required by this section shall be
6 complete as of the date prescribed by the commissioner,
7 which shall not be less than five (5) or more than ten (10)
8 days before the date of filing as specified in subsections
9 (2) through (5) of this section.

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

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

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

24 (b) subsequent periodic reports shall cover the period
25 of time from the closing of the previous report to a date

1 prescribed by the commissioner, which shall not be less than
2 five (5) days or more than ten (10) days before the date of
3 filing;

4 (c) final reports shall cover the period of time from
5 the last periodic report to the final closing of the books
6 of the candidate or political committee."

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

9 *23-4781. Campaign treasurer and campaign depository
10 ~~--- exception for certain school districts.~~ (1) Each
11 candidate for nomination or election to office, including
12 trustee of a first-class school district located in a county
13 having a population greater than 50,000, and each political
14 committee shall appoint one (1) campaign treasurer. No
15 contribution shall be received or expenditure made by or on
16 behalf of a candidate or political committee until the
17 candidate or political committee appoints a campaign
18 treasurer and certifies the name and address of the campaign
19 treasurer pursuant to this section. The certification,
20 which shall include an organizational statement, properly
21 acknowledged by a notary public, and setting forth of the
22 name and address of the campaign treasurer and all other
23 officers, if any, of the political committee, shall be filed
24 with the commissioner and the appropriate county clerk and
25 recorder as specified for the filing of reports in section

1 23-4778.

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

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

21 (4) Deputy campaign treasurers may exercise any of the
22 powers and duties of a campaign treasurer as set forth in
23 this act when specifically authorized in writing to do so by
24 the campaign treasurer and the candidate in the case of a
25 candidate, or the campaign treasurer and the chairman of the

1 political committee in the case of a political committee.

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

13 (6) Each candidate and each political committee shall
14 designate one (1) primary campaign depository for the
15 purpose of depositing all contributions received and
16 disbursing all expenditures made by the candidate or
17 political committee. The candidate or political committee
18 may also designate one (1) secondary depository in each
19 county in which an election is held and in which the
20 candidate or committee participates. Deputy campaign
21 treasurers may make deposits in and make expenditures from
22 secondary depositories when authorized to do so as provided
23 in subsection (4) of this section. Only a bank authorized to
24 transact business in Montana may be designated as a
25 campaign depository. The candidate or political committee

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

8 (7) If a school district is not a first-class district
9 located in a county having a population greater than 50,000,
10 the provisions of the election laws relating to campaign
11 treasurers and campaign depositories do not apply to the
12 office of trustee of the district."

-End-

Objection Raised to Adverse Committee Report

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2 INTRODUCED BY [Signature]

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25 county in which the election is to be held, or if the

1 election is to be held in more than one county, with the
2 clerk and recorder in the county that the commissioner shall
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15 year that an election is to be held, and on the fifteenth
16 and fifth days next preceding the date on which an election
17 is held, and within twenty-four (24) hours after receiving a
18 contribution of five hundred dollars (\$500) or more at any
19 time after the last pre-election report;

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

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

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

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4 but not limited to, candidates for the legislature, public
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17 other than a first-class district located in a county having
18 a population greater than 50,000, is not required to file
19 any reports with the commissioner or county clerk and
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21 (b) Candidates for any other public office, including
22 trustee of a first-class school district located in a county
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7 which shall not be less than five (5) or more than ten (10)
8 days before the date of filing as specified in subsections
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22 appropriate initial report pursuant to subsections (2)
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18 treasurer and certifies the name and address of the campaign
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20 which shall include an organizational statement, properly
21 acknowledged by a notary public, and setting forth of the
22 name and address of the campaign treasurer and all other
23 officers, if any, of the political committee, shall be filed
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25 recorder as specified for the filing of reports in section

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7 treasurers with the office with whom the candidate or the
8 political committee is required to file reports.

9 (3) Any campaign or deputy campaign treasurer
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11 voter in this state. An individual may be appointed and
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 9 located in a county having a population greater than 50,000,
 10 the provisions of the election laws relating to campaign
 11 treasurers and campaign depositories do not apply to the
 12 office of trustee of the district."

-End-

1 HOUSE BILL NO. 185

2 INTRODUCED BY KEYSER, SEIFERT, SOUTH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CANDIDATES
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9 AMENDING SECTIONS 23-4778 AND 23-4781, R.C.M. 1947; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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24 year following an election so long as there is an
25 unexpended balance or an expenditure deficit in a campaign

THIRD READING

1 account; and

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3 finally closes its books.

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23 powers and duties of a campaign treasurer as set forth in
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9 ~~(7) If a school district is not a first-class district~~
 10 ~~located in a county having a population greater than 50,000,~~
 11 ~~the provisions of the election laws relating to campaign~~
 12 ~~treasurers and campaign depositories do not apply to the~~
 13 ~~office of trustee of the district.*~~

14 ~~SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON~~
 15 ~~PASSAGE AND APPROVAL.~~

-End-

February 14, 1977

STANDING COMMITTEE REPORT

Senate Committee on State Administration

That House Bill No. 185, third reading, be amended as follows:

1. Amend page 1, section 1, line 16.
Following: "(1)"
Strike: "Each"
Insert: "Except as provided in subsection (5), each"
2. Amend page 3, section 1, lines 17 through 21.
Following: "(5)"
Strike: lines 17 through 21 in their entirety
3. Amend page 3, section 1, line 22.
Strike: "(b)"
4. Amend page 3, section 1, lines 22 through 24.
Following: "office,"
Strike: "including trustee of a first-class school district located in a county having a population greater than 50,000,"
5. Amend page 4, section 1, line 5.
Following: "(\$500)"
Insert: "; except candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue shall not be required to comply with the provisions of this section when the school district is:
(a) a first-class district located in a county having a population less than 15,000;
(b) a second or third-class district; or
(c) a county high school district having a student enrollment less than 2,000"
6. Amend page 5, section 2, line 11.
Following: "(1)"
Strike: "Each"
Insert: "Except as provided in subsection (7), each"
7. Amend page 5, section 2, lines 12 through 14.
Following: "office"
Strike: ", including trustee of a first-class school district located in a county having a population greater than 50,000,"
8. Amend page 7, section 2, line 14.
Following: "(6)"
Strike: "Each"
Insert: "Except as provided in subsection (7), each"

9. Amend page 8, section 2, lines 9 through 13.

Following: "(7)"

Strike: lines 9 through 13 in their entirety

Insert: "The provisions of this section do not apply to candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue when the school district is:

(a) a first-class district located in a county having a population less than 15,000;

(b) a second or third-class district; or

(c) a county high school district having a student enrollment less than 2,000."

HOUSE BILL NO. 185

INTRODUCED BY KEYSER, SEIFERT, SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT CANDIDATES FOR THE OFFICE OF TRUSTEE OF CERTAIN SCHOOL DISTRICTS FROM THE PROVISIONS OF THE ELECTION LAWS RELATING TO CAMPAIGN TREASURERS, CAMPAIGN DEPOSITORIES, AND FILING REPORTS WITH THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES; AMENDING SECTIONS 23-4778 AND 23-4781, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

"23-4778. Reports of contributions and expenditures required. (1) ~~Each~~ EXCEPT AS PROVIDED IN SUBSECTION (5), EACH candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a candidate or political committee. All reports required by this section shall be filed with the commissioner and with the county clerk and recorder of the county in which a candidate is a resident or the political committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports

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

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

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

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

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

(c) on the tenth day of March and September of each year following an election so long as there is an

1 unexpended balance or an expenditure deficit in a campaign
2 account; and

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

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

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

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

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

18 ~~(5) (a) A candidate for trustee of a school district,
19 other than a first class district located in a county having
20 a population greater than 50,000, is not required to file
21 any reports with the commissioner or county clerk and
22 recorder.~~

23 ~~(b) Candidates for any other public office, including~~
24 ~~trustee of a first class school district located in a county~~
25 ~~having a population greater than 50,000, their political~~

1 committees, and political committees organized to support or
2 oppose local issues, shall be required to file the reports
3 specified in subsection (4) only if the total amount of
4 contributions received or the total amount of funds expended
5 for an election, excluding the filing fee paid by the
6 candidate, exceed five hundred dollars (\$500); EXCEPT
7 CANDIDATES FOR THE OFFICE OF TRUSTEE OF A SCHOOL DISTRICT,
8 THEIR POLITICAL COMMITTEES, AND POLITICAL COMMITTEES
9 ORGANIZED TO SUPPORT OR OPPOSE A SCHOOL DISTRICT ISSUE SHALL
10 NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS
11 SECTION WHEN THE SCHOOL DISTRICT IS:

12 (A) A FIRST-CLASS DISTRICT LOCATED IN A COUNTY HAVING
13 A POPULATION LESS THAN 15,000;

14 (B) A SECOND- OR THIRD-CLASS DISTRICT; OR

15 (C) A COUNTY HIGH SCHOOL DISTRICT HAVING A STUDENT
16 ENROLLMENT LESS THAN 2,000.

17 (6) All reports required by this section shall be
18 complete as of the date prescribed by the commissioner,
19 which shall not be less than five (5) or more than ten (10)
20 days before the date of filing as specified in subsections
21 (2) through (5) of this section.

22 (7) The commissioner shall adopt rules and regulations
23 that will permit political committees, including political
24 parties, to file copies of a single comprehensive report
25 when they support or oppose more than one candidate or

1 issue.

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

4 (a) the initial report shall cover all contributions
5 received or expenditures made by a candidate or political
6 committee prior to the time that a person became a candidate
7 as defined in subsection (1) of section 23-4777 until the
8 date prescribed by the commissioner for the filing of the
9 appropriate initial report pursuant to subsections (2)
10 through (5) of this section;

11 (b) subsequent periodic reports shall cover the period
12 of time from the closing of the previous report to a date
13 prescribed by the commissioner, which shall not be less than
14 five (5) days or more than ten (10) days before the date of
15 filing;

16 (c) final reports shall cover the period of time from
17 the last periodic report to the final closing of the books
18 of the candidate or political committee."

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

21 "23-4781. Campaign treasurer and campaign depository
22 ~~--- exception for certain school districts. (1) Each EXCEPT~~
23 ~~AS PROVIDED IN SUBSECTION (7), EACH~~ candidate for nomination
24 or election to office, ~~including trustees of a first class~~
25 ~~school district located in a county having a population~~

1 ~~greater than 50,000~~ and each political committee shall
2 appoint one (1) campaign treasurer. No contribution shall
3 be received or expenditure made by or on behalf of a
4 candidate or political committee until the candidate or
5 political committee appoints a campaign treasurer and
6 certifies the name and address of the campaign treasurer
7 pursuant to this section. The certification, which shall
8 include an organizational statement, properly acknowledged
9 by a notary public, and setting forth of the name and
10 address of the campaign treasurer and all other officers, if
11 any, of the political committee, shall be filed with the
12 commissioner and the appropriate county clerk and recorder
13 as specified for the filing of reports in section 23-4778.

14 (2) A campaign treasurer may appoint deputy campaign
15 treasurers, but not more than one (1) in each county in
16 which the campaign is conducted. Each candidate and
17 political committee shall certify the full name and complete
18 address of the campaign treasurer and all deputy campaign
19 treasurers with the office with whom the candidate or the
20 political committee is required to file reports.

21 (3) Any campaign or deputy campaign treasurer
22 appointed pursuant to this section shall be a registered
23 voter in this state. An individual may be appointed and
24 serve as a campaign treasurer of a candidate and a political
25 committee or two (2) or more candidates and political

1 committees. A candidate may appoint himself as his own
 2 campaign or deputy campaign treasurer. No individual may
 3 serve as a campaign or deputy campaign treasurer or perform
 4 any duty required of a campaign or deputy campaign treasurer
 5 of a candidate or political committee until he has been
 6 designated and his name certified by the candidate or
 7 political committee.

8 (4) Deputy campaign treasurers may exercise any of the
 9 powers and duties of a campaign treasurer as set forth in
 10 this act when specifically authorized in writing to do so by
 11 the campaign treasurer and the candidate in the case of a
 12 candidate, or the campaign treasurer and the chairman of the
 13 political committee in the case of a political committee.

14 (5) A candidate or political committee may remove his
 15 or its campaign or deputy campaign treasurer. The removal
 16 of any treasurer or deputy treasurer shall immediately be
 17 reported to the officer with whom the name of the campaign
 18 treasurer was originally filed. In case of death,
 19 resignation, or removal of his or its campaign treasurer
 20 before compliance with any obligation of a campaign
 21 treasurer under this act, the candidate or political
 22 committee shall appoint a successor and certify the name and
 23 address of the successor as specified in subsection (1) of
 24 this section.

25 (6) ~~Each EXCEPT AS PROVIDED IN SUBSECTION (7), EACH~~

1 candidate and each political committee shall designate one
 2 (1) primary campaign depository for the purpose of
 3 depositing all contributions received and disbursing all
 4 expenditures made by the candidate or political committee.
 5 The candidate or political committee may also designate one
 6 (1) secondary depository in each county in which an election
 7 is held and in which the candidate or committee
 8 participates. Deputy campaign treasurers may make deposits
 9 in and make expenditures from secondary depositories when
 10 authorized to do so as provided in subsection (4) of this
 11 section. Only a bank authorized to transact business in
 12 Montana may be designated as a campaign depository. The
 13 candidate or political committee shall file the name and
 14 address of each primary and secondary depository so
 15 designated at the same time and with the same officer with
 16 whom the candidate or committee files the name of his or its
 17 campaign treasurer pursuant to subsection (1) of this
 18 section. Nothing in this subsection shall prevent a
 19 political committee or candidate from having more than one
 20 campaign account in the same depository.

21 ~~(7) If a school district is not a first class district~~
 22 ~~located in a county having a population greater than 50,000,~~
 23 ~~the provisions of the election laws relating to campaign~~
 24 ~~treasurers and campaign depositories do not apply to the~~
 25 ~~office of trustee of the district. THE PROVISIONS OF THIS~~