

HOUSE BILL 541

IN THE HOUSE

February 3, 1979

Introduced and referred to
Committee on Judiciary.

February 12, 1979

Committee recommend bill,
do not pass.

February 13, 1979

Report adopted.

1 House BILL NO. 541
2 INTRODUCED BY Kvaalen

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ABOLISH THE OFFICE
5 OF COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES; TO
6 TRANSFER THE FUNCTIONS OF THE COMMISSIONER TO THE SECRETARY
7 OF STATE; TO PROVIDE FOR ENFORCEMENT OF THE ELECTION LAWS BY
8 THE COUNTY ATTORNEYS AND THE ATTORNEY GENERAL; AND TO CREATE
9 CERTAIN EXEMPTIONS AND EXCEPTIONS FROM THE CAMPAIGN FILING
10 AND FINANCE LAWS FOR LOCAL GOVERNMENT CANDIDATES, CERTAIN
11 POLITICAL COMMITTEES, AND CERTAIN OTHER CANDIDATES AND
12 COMMITTEES; AMENDING SECTIONS 7-4-2611, 13-27-402,
13 13-37-111, 13-37-112, 13-37-114 THROUGH 13-37-121,
14 13-37-123, 13-37-124, 13-37-126, 13-37-127, 13-37-201,
15 13-37-205, 13-37-208, 13-37-215, AND 13-37-225 THROUGH
16 13-37-231, MCA; AND REPEALING SECTIONS 2-15-411, 13-37-101
17 THROUGH 13-37-105, AND 13-37-113, MCA."

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20 NEW SECTION. Section 1. Office of commissioner of
21 campaign finances and practices abolished. (1) The office of
22 commissioner of campaign finances and practices, created by
23 section 10, Chapter 480, Laws of 1975, is abolished.

24 (2) The records and reports on file with the
25 commissioner are to be transferred to the office of the

1 secretary of state.

2 Section 2. Section 7-4-2611, MCA, is amended to read:
3 "7-4-2611. Role and duties of county clerk. (1) The
4 county clerk of any county is also clerk of the county
5 commissioners and ex officio recorder. Any duty imposed by
6 law upon such officer, either as county clerk, clerk of the
7 county commissioners, as recorder, shall be performed by the
8 county clerk, and any official act performed or certified by
9 the county clerk shall be as valid and effectual as if
10 performed and certified to by him as clerk of the county
11 commissioners or as recorder.

12 (2) The county clerk must:

13 (a) take charge of and safely keep or dispose of
14 according to law all books, papers, maps, and records which
15 may be filed or deposited in his office;

16 (b) record all the proceedings of the board;

17 (c) make full entries of all its resolutions and
18 decisions on all questions concerning the raising of money
19 for and the allowance of accounts against the county;

20 (d) record the vote of each member on any question
21 upon which there is a division or at the request of any
22 member present;

23 (e) sign all orders made and warrants issued by order
24 of the board for the payment of money and certify the same
25 to the county treasurer;

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1 (f) record the reports of the county treasurer of the
2 receipts and disbursements of the county;

3 (g) preserve and file all accounts acted upon by the
4 board;

5 (h) preserve and file all petitions and applications
6 for franchises and record the action of the board thereon;

7 (i) record all orders levying taxes;

8 (j) designate upon every account allowed by the board
9 the amount allowed and deliver to any person who may demand
10 it a certified copy of any record in his office or any
11 account on file therein;

12 (k) as often as a new township is organized or the
13 boundaries of any township are altered, immediately make out
14 and transmit to the secretary of state a certified statement
15 of the names and boundaries and the boundaries of any
16 township altered;

17 (l) keep such other records and books and perform such
18 other duties as are prescribed by law or by rule or order of
19 the board.

20 (3) A county clerk and recorder shall maintain all
21 records and statements filed pursuant to the provisions of
22 Title 13 for a period of 10 years from the date of receipt.

23 (4) A county clerk and recorder shall accept and file
24 any information voluntarily supplied that exceeds the
25 requirements of Title 13.

1 (5) A county clerk and recorder shall file, code, and
2 cross-index all reports and statements filed by political
3 candidates and committees as prescribed by the commissioner
4 of campaign finances and practices secretary of state.

5 (6) A county clerk and recorder shall make statements
6 and other information filed with his office available for
7 public inspection and copying during regular office hours
8 and make copying facilities available free of charge or at a
9 charge not to exceed actual cost."

10 Section 3. Section 13-37-111, MCA, is amended to read:

11 "13-37-111. Investigative powers and duties. (1) The
12 commissioner of campaign finances and practices secretary of
13 state shall be responsible for investigating all of the
14 alleged violations of the election laws contained in this
15 title and shall in conjunction with the county attorneys be
16 responsible for enforcing all of the state's election laws.

17 (2) The commissioner secretary of state may
18 investigate all statements filed pursuant to the provisions
19 of this title and shall also investigate alleged failures to
20 file any statement or the alleged falsification of any
21 statement filed pursuant to the provisions of this title.
22 Upon the submission of a written complaint by any
23 individual, the commissioner secretary of state shall also
24 investigate any other alleged violation of the provisions of
25 this title or any rule adopted pursuant thereto.

1 (3) The ~~commissioner~~ secretary of state may inspect
 2 any records, accounts, or books that must be kept pursuant
 3 to the provisions of this title which are held by any
 4 political committee or candidate so long as such inspection
 5 is made during reasonable office hours.

6 (4) The ~~commissioner~~ secretary of state may administer
 7 oaths and affirmations, subpoena witnesses, compel their
 8 attendance, take evidence, and require the production of any
 9 books, papers, correspondence, memoranda, bank account
 10 statements of a political committee or candidate, or other
 11 records which are relevant or material for the purpose of
 12 conducting any investigation pursuant to the provisions of
 13 this title."

14 Section 4. Section 13-37-112, MCA, is amended to read:

15 "13-37-112. Personnel and budget. ~~{1}~~ The ~~commissioner~~
 16 secretary of state shall select an appropriate staff to
 17 enforce the provisions of this title ~~and he may hire and~~
 18 ~~fire or~~ ~~personnel under his supervision.~~

19 ~~{2} The commissioner shall be responsible for~~
 20 ~~preparing, administering, and allocating the budget for his~~
 21 ~~office."~~

22 Section 5. Section 13-37-114, MCA, is amended to read:

23 "13-37-114. Rules. The ~~commissioner~~ secretary of state
 24 shall promulgate and publish rules to carry out the
 25 provisions of this title and shall promulgate such rules in

1 conformance with the Montana Administrative Procedure Act."

2 Section 6. Section 13-37-115, MCA, is amended to read:

3 "13-37-115. Orders of noncompliance. The ~~commissioner~~
 4 secretary of state may issue orders of noncompliance as
 5 prescribed by 13-37-121."

6 Section 7. Section 13-37-116, MCA, is amended to read:

7 "13-37-116. Exercise of powers. The ~~commissioner~~
 8 secretary of state may exercise all of the powers conferred
 9 upon him by law in any jurisdiction or political subdivision
 10 of the state."

11 Section 8. Section 13-37-117, MCA, is amended to read:

12 "13-37-117. ~~Commissioner~~ Secretary of state to provide
 13 forms and manuals. (1) The ~~commissioner~~ secretary of state
 14 shall prescribe forms for statements and other information
 15 required to be filed pursuant to this title and furnish
 16 forms and appropriate information to persons required to
 17 file statements and information.

18 (2) The ~~commissioner~~ secretary of state shall prepare
 19 and publish a manual prescribing a uniform system for
 20 accounts for use by persons required to file statements
 21 pursuant to this title.

22 (3) The ~~commissioner~~ secretary of state shall
 23 prescribe the manner in which the county clerk and recorders
 24 shall receive, file, collate, and maintain reports filed
 25 with them under this title."

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1 Section 9. Section 13-37-118, MCA, is amended to read:

2 "13-37-118. Information voluntarily supplied. The
3 ~~commissioner~~ secretary of state shall accept and file any
4 information voluntarily supplied that exceeds the
5 requirements of this title."

6 Section 10. Section 13-37-119, MCA, is amended to
7 read:

8 "13-37-119. Availability of information. (1) The
9 ~~commissioner~~ secretary of state shall make statements and
10 other information filed with his office available for public
11 inspection and copying during regular office hours and make
12 copying facilities available free of charge or at a charge
13 not to exceed actual cost.

14 (2) The ~~commissioner~~ secretary of state shall preserve
15 statements and other information filed with his office for a
16 period of 10 years from date of receipt.

17 (3) The ~~commissioner~~ secretary of state shall prepare
18 and publish summaries of the statements received and such
19 other reports as he considers appropriate.

20 (4) The ~~commissioner~~ secretary of state shall provide
21 for wide public dissemination of summaries and reports.

22 (5) Every individual shall have the right to inspect
23 any report or current account that must be kept or filed
24 pursuant to the provisions of this title but only if such
25 inspection will occur during reasonable office hours and in

1 such a manner that normal office functions will not be
2 unnecessarily interrupted."

3 Section 11. Section 13-37-120, MCA, is amended to
4 read:

5 "13-37-120. Reports. (1) The ~~commissioner~~ secretary of
6 state shall at the close of each fiscal year report to the
7 legislature and the governor concerning the action he has
8 taken, including the names, salaries, and duties of all
9 individuals ~~in his employ hired to implement the duties of~~
10 ~~[parts 1 and 2]~~ and the money he has disbursed. The
11 ~~commissioner~~ secretary of state shall also make further
12 reports on the matters within his jurisdiction as the
13 legislature may prescribe and shall also make
14 recommendations for further legislation as may appear
15 desirable.

16 (2) After receiving the final campaign contribution
17 and expenditure report filed as required by 13-37-225
18 through 13-37-228 or a statement of exemption from the
19 filing requirements, the ~~commissioner~~ secretary of state
20 shall inform the ~~secretary-of-state-or-the-city-or-county~~
21 ~~clerk-and-recorder~~ officer issuing the certificate of
22 election or the governor, as appropriate, that each
23 candidate who has been properly elected to any public office
24 has filed his final contribution and expenditure report or
25 statement of exemption from filing as specified in 13-37-225

1 through 13-37-228."

2 Section 12. Section 13-37-121, MCA, is amended to
3 read:

4 "13-37-121. Inspection of statements and issuance of
5 orders of noncompliance. (1) Each statement filed with the
6 ~~commissioner~~ secretary of state during an election or within
7 60 days thereafter shall be inspected within 10 days after
8 the date upon which the statement is filed. If a person has
9 not satisfied the provisions of this title, the ~~commissioner~~
10 secretary of state shall immediately notify the person of
11 the noncompliance. Such an order of noncompliance shall be
12 issued when:

13 (a) upon examination of the official ballot, it
14 appears that the person has failed to file a statement as
15 required by law or that a statement filed by a person does
16 not conform to law; or

17 (b) it is determined that a statement filed with the
18 commissioner does not conform to the requirements of this
19 title or that a person has failed to file a statement
20 required by law.

21 (2) If an order of noncompliance is issued during a
22 campaign period or within 60 days after an election, a
23 candidate or political committee shall submit the necessary
24 information within 5 days after receiving the notice of
25 noncompliance. Upon a failure to submit the required

1 information within the time specified, the appropriate
2 county attorney or the ~~commissioner~~ attorney general
3 ~~whenever a county attorney is in noncompliance~~ may initiate
4 a civil or criminal action pursuant to the procedures
5 outlined in 13-37-124 and 13-37-125.

6 (3) If an order of noncompliance is issued during any
7 period other than that described in subsection (2), a
8 candidate or political committee shall submit the necessary
9 information within 10 days after receiving the notice of
10 noncompliance. Upon a failure to submit the required
11 information within the time specified, the appropriate
12 county attorney or the ~~commissioner~~ attorney general
13 ~~whenever a county attorney is in noncompliance~~ shall
14 initiate a civil or criminal action pursuant to the
15 procedures outlined in 13-37-124 and 13-37-125."

16 Section 13. Section 13-37-123, MCA, is amended to
17 read:

18 "13-37-123. Examination of reports after election.
19 Within 120 days after the date of each election, the
20 ~~commissioner~~ secretary of state shall examine and compare
21 each statement or report filed with the ~~commissioner~~
22 secretary of state pursuant to the provisions of this title
23 to determine whether a statement or report conforms to the
24 provisions of the law. The examination shall include a
25 comparison of all reports and statements received by the

1 ~~commissioner~~ secretary of state pursuant to the requirements
 2 of this title. The ~~commissioner~~ secretary of state may
 3 investigate the source and authenticity of any contribution
 4 or expenditure listed in any report or statement filed
 5 pursuant to this title or the alleged failure to report any
 6 contribution or expenditure required to be reported pursuant
 7 to this title."

8 Section 14. Section 13-37-124, MCA, is amended to
 9 read:

10 "13-37-124. Consultation and cooperation with county
 11 attorney. (1) Whenever the ~~commissioner~~ secretary of state
 12 determines that there appears to be sufficient evidence to
 13 justify a civil or criminal prosecution under the election
 14 laws of this state, he shall notify the county attorney of
 15 the county in which the alleged violation occurred and shall
 16 arrange to transmit to the county attorney all information
 17 relevant to the alleged violation. ~~if the county attorney~~
 18 ~~fails to initiate the appropriate civil or criminal action~~
 19 ~~within 30 days after he receives notification of the alleged~~
 20 ~~violation, the commissioner may then initiate the~~
 21 ~~appropriate legal action.~~

22 (2) ~~A county attorney may, at any time prior to the~~
 23 ~~expiration of the 30-day time period specified in subsection~~
 24 ~~(1), waive his right to prosecute and thereby authorize the~~
 25 ~~commissioner to initiate the appropriate civil or criminal~~

1 ~~action under the election law~~

2 (3) (2) The provisions of subsection (1) do not apply
 3 to a situation in which the alleged violation has been
 4 committed by the county attorney of a county. In this
 5 instance, ~~the secretary of state shall notify the attorney~~
 6 ~~general, and the commissioner attorney general~~ is authorized
 7 to directly prosecute any alleged violation of this title.

8 (4) (3) If a prosecution is undertaken by the
 9 ~~commissioner attorney general~~, all court costs associated
 10 with the prosecution shall be paid by the state of Montana,
 11 and all fines and forfeitures imposed pursuant to a
 12 prosecution by the commissioner shall be deposited in the
 13 state general fund."

14 Section 15. Section 13-37-126, MCA, is amended to
 15 read:

16 "13-37-126. Names not to be printed on ballot. (1) The
 17 name of a candidate shall not be printed on the official
 18 ballot for a general or special election if the candidate or
 19 a political treasurer for a candidate fails to file any
 20 statement as required by this title.

21 (2) A vacancy on an official ballot under this section
 22 may be filled in the manner provided by law but not by the
 23 name of the same candidate.

24 (3) In carrying out the mandate of this section, the
 25 ~~commissioner~~ secretary of state must by a written statement

1 notify ~~the secretary of state or~~ the city or county clerk or
 2 the clerk of a school district that a candidate or a
 3 candidate's political treasurer has not complied with the
 4 provisions of this title, as described in subsection (1) and
 5 that a candidate's name should not be printed on the
 6 official ballot."

7 Section 16. Section 13-37-127, MCA, is amended to
 8 read:

9 "13-37-127. Withholding of certificates of election.
 10 No certificate of election ~~shall~~ may be granted to any
 11 candidate until ~~his political treasurer has filed~~ the
 12 reports and statements that must be filed pursuant to the
 13 provisions of this title are filed. No candidate for an
 14 elective office may assume the powers and duties of that
 15 office until he has received a certificate of election as
 16 provided by law. A certificate of election shall only be
 17 issued by the public official responsible for issuing a
 18 certificate or commission after receiving written assurance
 19 from the ~~commissioner~~ secretary of state that a candidate
 20 has filed all of the statements or reports that must be
 21 filed pursuant to the provisions of this title."

22 Section 17. Section 13-37-201, MCA, is amended to
 23 read:

24 "13-37-201. Campaign treasurer. Except as provided in
 25 13-37-206 and [section 19], each candidate for nomination or

1 election to office and each political committee shall
 2 appoint one campaign treasurer. No contribution shall be
 3 received or expenditure made by or on behalf of a candidate
 4 or political committee until the candidate or political
 5 committee appoints a campaign treasurer and certifies the
 6 name and address of the campaign treasurer pursuant to this
 7 section. The certification, which shall include an
 8 organizational statement, properly acknowledged by a notary
 9 public, and setting forth of the name and address of the
 10 campaign treasurer and all other officers, if any, of the
 11 political committee, shall be filed with the ~~commissioner~~
 12 secretary of state and the appropriate county clerk and
 13 recorder as specified for the filing of reports in
 14 13-37-225."

15 Section 18. Section 13-37-205, MCA, is amended to
 16 read:

17 "13-37-205. Campaign depositories. Except as provided
 18 in 13-37-206 and [section 19], each candidate and each
 19 political committee shall designate one primary campaign
 20 depository for the purpose of depositing all contributions
 21 received and disbursing all expenditures made by the
 22 candidate or political committee. The candidate or political
 23 committee may also designate one secondary depository in
 24 each county in which an election is held and in which the
 25 candidate or committee participates. Deputy campaign

1 treasurers may make deposits in and make expenditures from
 2 secondary depositories when authorized to do so as provided
 3 in 13-37-202(2). Only a bank authorized to transact business
 4 in Montana may be designated as a campaign depository. The
 5 candidate or political committee shall file the name and
 6 address of each primary and secondary depository so
 7 designated at the same time and with the same officer with
 8 whom the candidate or committee files the name of his or its
 9 campaign treasurer pursuant to 13-37-201. Nothing in this
 10 section shall prevent a political committee or candidate
 11 from having more than one campaign account in the same
 12 depository."

13 NEW SECTION. Section 19. Exception for certain
 14 candidates and committees. (1) Candidates for those offices
 15 declared filled by the city clerk or county clerk and
 16 recorder need not comply with the requirements of 13-37-201
 17 through 13-37-205.

18 (2) Political committees that have been organized by
 19 or are a part of a political party and that have not been
 20 organized primarily in behalf of a particular candidate or
 21 primarily for the support of or opposition to a particular
 22 ballot issue need not comply with the requirements of
 23 13-37-201 through 13-37-205. Committees that are exempted
 24 by this subsection include but are not limited to state and
 25 county central committees and women's clubs of political

1 parties.

2 Section 20. Section 13-37-208, MCA, is amended to
 3 read:

4 "13-37-208. Treasurer to keep records. (1) The
 5 ~~campaign treasurer of each candidate and each political~~
 6 ~~committee whenever a campaign treasurer is required, he~~
 7 shall keep detailed accounts (current within not more than
 8 10 days after the date of receiving a contribution or making
 9 an expenditure) of all contributions received and all
 10 expenditures made by or on behalf of the candidate or
 11 political committee that are required to be set forth in a
 12 statement filed under this chapter.

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

17 Section 21. Section 13-37-215, MCA, is amended to
 18 read:

19 "13-37-215. Petty cash funds allowed. (1) The campaign
 20 treasurer for each a candidate or political committee is
 21 authorized to withdraw the following amount each week from
 22 the primary depository for the purpose of providing a petty
 23 cash fund for the candidate or political committee:

24 (a) for all candidates for nomination or election on a
 25 statewide basis and all political committees operating on a

1 statewide basis, \$100 per week; and

2 (b) for all other candidates and political committees,
3 \$20 per week.

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

9 (3) Subject to the provisions of subsections (1) and
10 (2), a candidate or committee exempted from the provisions
11 of 13-37-201 through 13-37-205 may maintain a petty cash
12 fund."

13 Section 22. Section 13-37-225, MCA, is amended to
14 read:

15 "13-37-225. Reports of contributions and expenditures
16 required. (1) Except as provided in 13-37-226(3) and
17 [section 26], each candidate and political committee shall
18 file periodic reports of contributions and expenditures made
19 by or on the behalf of a candidate or political committee.
20 All reports required by this section shall be filed with the
21 commissioner secretary of state and with the county clerk
22 and recorder of the county in which a candidate is a
23 resident or the political committee has its headquarters.
24 However, where residency within a district, county, city, or
25 town is not a prerequisite for being a candidate, copies of

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

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

12 Section 23. Section 13-37-226, MCA, is amended to
13 read:

14 "13-37-226. Time for filing reports. (1) Except as
15 provided in [section 26], Candidates candidates for a state
16 office filled by a statewide vote of all the voters of
17 Montana, the political committees for such candidates, and
18 political committees organized to support or oppose a
19 statewide issue shall file reports:

20 (a) on the 10th day of March and September in each
21 year that an election is to be held, and on the 15th and 5th
22 days next preceding the date on which an election is held,
23 and within 24 hours after receiving a contribution of \$500
24 or more at any time after the last preelection report;

25 (b) not more than 20 days after the date of the

1 election;

2 (c) on the 10th day of March and September of each
3 year following an election so long as there is an unexpended
4 balance or an expenditure deficit in a campaign account; and

5 (d) whenever a candidate or political committee
6 finally closes its books.

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

12 (a) on the 10th day next preceding the date on which
13 an election is held and within 24 hours after receiving a
14 contribution of \$100 or more at any time after the last
15 preelection report;

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

18 (c) whenever a candidate or political committee
19 finally closes its books.

20 (3) Candidates for any other public office, their
21 political committees, and political committees organized to
22 support or oppose local issues shall be required to file the
23 reports specified in subsection (2) only if the total amount
24 of contributions received or the total amount of funds
25 expended for an election, excluding the filing fee paid by

1 the candidate, exceeds \$500; except candidates for the
2 office of trustee of a school district, their political
3 committees, and political committees organized to support or
4 oppose a school district issue shall not be required to
5 comply with the provisions of 13-37-225 through 13-37-228
6 when the school district is:

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

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

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

12 (4) All reports required by this section shall be
13 complete as of the date prescribed by the commissioner
14 secretary of state, which shall not be less than 5 or more
15 than 10 days before the date of filing as specified in
16 13-37-225(2) and subsections (1) through (3) of this
17 section."

18 Section 24. Section 13-37-227, MCA, is amended to
19 read:

20 "13-37-227. Comprehensive report when several
21 candidates or issues involved. Except as provided in
22 [section 26], the commissioner the secretary of state shall
23 adopt rules that will permit political committees, including
24 political parties, to file copies of a single comprehensive
25 report when they support or oppose more than one candidate

1 or issue.*

2 Section 25. Section 13-37-228, MCA, is amended to
3 read:

4 *13-37-228. Time periods covered by reports. Reports
5 ~~Except as provided in [section 26], reports~~ filed under
6 13-37-225 shall be filed to cover the following time
7 periods:

8 (1) The initial report shall cover all contributions
9 received or expenditures made by a candidate or political
10 committee prior to the time that a person became a candidate
11 as defined in 13-1-101(2) until the date prescribed by the
12 commissioner ~~secretary of state~~ for the filing of the
13 appropriate initial report pursuant to 13-37-225(2) and
14 subsections (1) through (3) of 13-37-226.

15 (2) Subsequent periodic reports shall cover the period
16 of time from the closing of the previous report to a date
17 prescribed by the commissioner ~~secretary of state~~, which
18 shall not be less than 5 days or more than 10 days before
19 the date of filing.

20 (3) Final reports shall cover the period of time from
21 the last periodic report to the final closing of the books
22 of the candidate or political committee.*

23 NEW SECTION. Section 26. Exceptions for filing
24 requirements. (1) Candidates for those offices declared
25 filled by the city clerk or the county clerk and recorder

1 need not comply with the filing provisions of 13-37-225
2 through 13-37-228.

3 (2) Candidates who are running unopposed need not
4 comply with the filing provisions of 13-37-225 through
5 13-37-228.

6 (3) Political committees that have been organized by
7 or are a part of a political party and that have not been
8 organized primarily in behalf of a particular candidate or
9 primarily for the support of or opposition to a particular
10 ballot issue need not comply with the filing provisions of
11 13-37-225 through 13-37-228. Committees that are exempted
12 by this subsection include but are not limited to state and
13 county central committees and women's clubs of political
14 parties.

15 (4) Candidates who are not exempted by subsection (1)
16 or (2) who have received contributions not exceeding \$2,000
17 and who have spent funds not exceeding \$2,000 may satisfy
18 the filing requirements of 13-37-225 through 13-37-228 by
19 submitting one report within 15 days after the election.

20 (5) Political committees not exempted by subsection
21 (3) may satisfy the filing requirements of 13-37-225 through
22 13-37-228 by submitting one report within 15 days after the
23 election whenever:

24 (a) the committee has been formed for a candidate for
25 an office for which a commission is issued pursuant to

1 13-15-504 or has been formed to support or oppose a ballot
 2 issue voted on in more than one county and has received
 3 contributions not exceeding \$20,000 and has spent funds not
 4 exceeding \$20,000; or

5 (b) the committee has been formed for a candidate for
 6 an office declared filled by the city clerk or county clerk
 7 and recorder or formed to support or oppose a ballot issue
 8 voted on in only one county and has received contributions
 9 not exceeding \$5,000 and has spent funds not exceeding
 10 \$5,000.

11 (6) The report permitted by subsection (4) or (5)
 12 shall cover all contributions received and expenditures made
 13 during the period commencing as described in 13-37-228(1)
 14 and ending as prescribed by the secretary of state. The
 15 report shall contain the information required by 13-37-229
 16 and 13-37-230.

17 (7) The secretary of state shall promulgate rules to
 18 enable a candidate or political committee to comply with the
 19 requirements of this section whenever the candidate or
 20 committee believed in good faith that compliance with
 21 subsection (4) or (5) would be possible, but the dollar
 22 limit on contributions or expenditures was in fact exceeded.

23 (8) A candidate or committee exempted from the filing
 24 requirements of 13-37-225 through 13-37-228 by subsection
 25 (1), (2), or (3) shall file a notarized statement with the

1 secretary of state explaining the basis of the claimed
 2 exemption. This statement must be filed no later than 15
 3 days after the election.

4 Section 27. Section 13-37-229, MCA, is amended to
 5 read:

6 "13-37-229. Disclosure of contributions received. Each
 7 report required by this chapter shall disclose the following
 8 information, except that a candidate shall only be required
 9 to report the information specified in this section if the
 10 transactions involved were undertaken for the purpose of
 11 influencing an election:

12 (1) the amount of cash on hand at the beginning of the
 13 reporting period;

14 (2) the full name and mailing address (occupation and
 15 the principal place of business, if any) of each person who
 16 has made aggregate contributions, other than loans, of \$25
 17 or more to the candidate or political committee (including
 18 the purchase of tickets for events such as dinners,
 19 luncheons, rallies, and similar fund-raising events) within
 20 the reporting period, together with the aggregate amount of
 21 those contributions, and the total amount of contributions
 22 made by that person;

23 (3) the total sum of individual contributions made to
 24 or for the political committee or candidate and not reported
 25 under subsection (2) of this section;

1 (4) the name and address of each political committee
2 or candidate from which the reporting committee or candidate
3 received any transfer of funds, together with the amount and
4 dates of all transfers;

5 (5) each loan from any person during the reporting
6 period, together with the full names and mailing addresses
7 (occupation and principal place of business, if any) of the
8 lender and endorsers, if any, and the date and amount of
9 each loan;

10 (6) the amount and nature of debts and obligations
11 owed to a political committee or candidates in the form
12 prescribed by the commissioner secretary of state;

13 (7) an itemized account of proceeds from:

14 (a) the sale of tickets to each dinner, luncheon,
15 rally, and other fund-raising events;

16 (b) mass collections made at such an event; and

17 (c) sales of items such as political campaign pins,
18 buttons, badges, flags, emblems, hats, banners, literature,
19 and similar materials;

20 (8) each contribution, rebate, refund, or other
21 receipt not otherwise listed under subsections (2) through
22 (6) of this section during the reporting period;

23 (9) the total sum of all receipts received by or for
24 the committee or candidate during the reporting period;

25 (10) other information that may be required by the

1 ~~commissioner~~ secretary of state to fully disclose the
2 sources of funds used to support or oppose candidates or
3 issues."

4 Section 28. Section 13-37-230, MCA, is amended to
5 read:

6 "13-37-230. Disclosure of expenditures made. Each
7 report required by this chapter shall disclose the following
8 information, except that a candidate shall only be required
9 to report the information specified in this section if the
10 transactions involved were undertaken for the purpose of
11 influencing an election:

12 (1) the full name and mailing address (occupation and
13 the principal place of business, if any) of each person to
14 whom expenditures have been made by the committee or
15 candidate during the reporting period, including the amount,
16 date, and purpose of each expenditure and the total amount
17 of expenditures made to each person;

18 (2) the full name and mailing addresses (occupation
19 and the principal place of business, if any) of each person
20 to whom an expenditure for personal services, salaries, and
21 reimbursed expenses have been made, including the amount,
22 date, and purpose of that expenditure and the total amount
23 of expenditures made to each person;

24 (3) the total sum of expenditures made by a political
25 committee or candidate during the reporting period;

1 (4) the name and address of each political committee
2 or candidate to which the reporting committee or candidate
3 made any transfer of funds, together with the amount and
4 dates of all transfers;

5 (5) the name of any person to whom a loan was made
6 during the reporting period, including the full name and
7 mailing address (occupation and principal place of business,
8 if any) of that person, and the full name and mailing
9 address (occupation and principal place of business, if any)
10 of the endorsers, if any, and the date and amount of each
11 loan;

12 (6) the amount and nature of debts and obligations
13 owed by a political committee or candidate in the form
14 prescribed by the commissioner secretary of state;

15 (7) other information that may be required by the
16 commissioner secretary of state to fully disclose the
17 disposition of funds used to support or oppose candidates or
18 issues."

19 Section 29. Section 13-37-231, MCA, is amended to
20 read:

21 "13-37-231. Reports to be certified as true and
22 correct. (1) A report required by this chapter to be filed
23 by a candidate or political committee shall be verified as
24 true and correct by the oath or affirmation of the
25 individual filing the report. The individual filing the

1 report shall be the candidate or an officer of a political
2 committee who is on file as an officer of the committee with
3 the commissioner secretary of state. The oath or affirmation
4 shall be made before an officer authorized to administer
5 oaths.

6 (2) A copy of a report or statement shall be preserved
7 by the individual filing it for a period of time to be
8 designated by the commissioner secretary of state.

9 (3) The commissioner secretary of state may promulgate
10 rules regarding the extent to which organizations that are
11 not primarily political committees but are incidentally
12 political committees shall report their politically related
13 activities in accordance with this chapter."

14 Section 30. Section 13-27-402, MCA, is amended to
15 read:

16 "13-27-402. Committees to prepare arguments for and
17 against ballot issues. The arguments advocating approval or
18 rejection of the ballot issue and rebuttal arguments shall
19 be submitted to the secretary of state by committees
20 appointed as provided in this subsection:

21 (1) The committee advocating approval of an act
22 referred to the people or a constitutional amendment
23 proposed by the legislature or an act referred to the people
24 by referendum petition shall be composed of one senator
25 known to favor the measure, appointed by the president of

1 the senate; one representative known to favor the measure,
 2 appointed by the speaker of the house of representatives;
 3 and one member who need not be a member of the legislature,
 4 appointed by the first two members.

5 (2) The committee advocating rejection of a ballot
 6 issue referred to the people or proposed by the legislature
 7 shall be composed of one senator appointed by the president
 8 of the senate; one representative appointed by the speaker
 9 of the house of representatives; and one member who need not
 10 be a member of the legislature, appointed by the first two
 11 members. Whenever possible, the members shall be known to
 12 have opposed the issue.

13 (3) A three-member committee advocating approval of a
 14 ballot issue proposed by any type of initiative petition or
 15 advocating rejection of any ballot issue that is a
 16 legislative act referred to the people by referendum
 17 petition shall be appointed by the chairman of the
 18 organization that was first on record with the ~~commissioner~~
 19 ~~of-campaign-finances-and-practices~~ secretary of state as a
 20 proponent of the petition.

21 (4) A committee advocating rejection of a ballot issue
 22 proposed by any type of initiative petition shall be
 23 composed of five members. The governor, attorney general,
 24 president of the senate, and speaker of the house of
 25 representatives shall each appoint one member, and the fifth

1 member shall be appointed by the first four members. All
 2 members shall be known to favor rejection of the issue."

3 Section 31. Repealer. Sections 2-15-411, 13-37-101
 4 through 13-37-105, and 13-37-113, MCA, are repealed.

-End-