

HOUSE BILL 809

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on State Administration.
February 20, 1979	Committee recommend bill, do not pass. Report adopted. Objection.
February 23, 1979	Second reading, do not pass.

House BILL NO. *809*

INTRODUCED BY

Hammilton Day Jerome Vincent
Holmes
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A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A PANEL OF FAIR CAMPAIGN PRACTICES EMPOWERED TO ARBITRATE DISPUTES BETWEEN AND AMONG CANDIDATES AND POLITICAL COMMITTEES CONCERNING ALLEGATIONS OF UNFAIR CAMPAIGN PRACTICES."

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

Section 1. Panel of fair campaign practices -- appointment -- allocation -- quasi-judicial nature. (1) There is a panel of fair campaign practices created within the office of commissioner of campaign finances and practices.

(2) The panel consists of three members who shall be appointed by a majority of a four-member selection committee that is comprised of the majority and the minority leaders of both houses of the legislature. The selection committee shall by a majority designate the member to serve as chairman of the panel.

(3) Each member shall serve for a term of 2 years.

(4) The panel is designated as a quasi-judicial board, except that the provisions of subsections (1), (2), (3), (5), and (6) of 2-15-124 do not apply.

Section 2. Panel of fair campaign practices -- powers.

(1) The panel of fair campaign practices created by [section 1] shall, upon being convened by the commissioner as provided by [section 3], arbitrate disputes between and among candidates and political committees concerning allegations of unfair campaign practices.

(2) The panel may conduct hearings and compel the attendance of parties and witnesses as necessary to investigate complaints.

(3) The panel shall adopt rules of evidence and procedure, which need not be in accordance with the provisions of [Title 2, chapter 4] or the rules of evidence or procedure provided for the courts of the state.

(4) The panel shall meet upon being convened by the commissioner to investigate complaints and conduct hearings as it determines necessary. Upon concluding its investigation and hearings, the panel shall issue a statement indicating its findings of fact and conclusions of law.

Section 3. Filing fair campaign practices complaint -- convening of panel. (1) A candidate who believes another candidate or political committee has made a statement about him in the course of the campaign that is unfair or untrue or that violates an oath or pledge of fair campaign practices to which the other candidate or political committee has subscribed may file a complaint with the

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1 commissioner of campaign finances and practices. The
2 complaint must contain a specific statement of the basis of
3 the complaint together with evidence to support the
4 allegation.

5 (2) Upon receipt of a complaint, the commissioner
6 shall determine whether the complainant has demonstrated
7 reasonable grounds for a complaint. If he finds the
8 complaint fails to state reasonable grounds, he must return
9 the complaint to the candidate so stating. If the
10 commissioner finds the complaint does state reasonable
11 grounds, he shall forward the complaint to the panel for
12 arbitration. The commissioner shall convene the panel not
13 less than 5 or more than 10 days before and not less than 15
14 or more than 20 days after the date of an election to
15 arbitrate complaints forwarded to it, if any.

-End-

FISCAL NOTE

Form BD-15

In compliance with a written request received February 16 1979, there is hereby submitted a Fiscal Note for House Bill 809 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to create a Fair Campaign Practices Panel empowered to arbitrate disputes between and among candidates and political committees concerning allegations of unfair campaign practices.

ASSUMPTIONS:

1. Administrative costs of the proposed legislation can be absorbed within the current level of personal services.
2. The panel will meet a maximum of 3 days during any one fiscal year.
3. Panel members will be non-residents of Helena.
4. Panel members will not be full-time salaried officers or employees of the state or its subdivisions.

FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Increased Expenditures Under Proposed Legislation	<u>\$546</u>	<u>\$546</u>

The additional cost must be funded from the State General Fund.

Richard L. Drayton
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2/20/79